

STATE OF NEW YORK

S. 3008--C

A. 3008--C

SENATE - ASSEMBLY

January 22, 2025

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the Waterfront Commission Act (Part A); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments, in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend the vehicle and traffic law, in relation to extending provisions related to a pilot program regarding an internet-based pre-licensing course; and to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof (Part C); to amend the vehicle and traffic law, in relation to abandoned vehicles (Part D); intentionally omitted (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions (Part I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

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authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the public authorities law, in relation to acquisitions or transfers of property for certain transit projects; and to amend part VVV of chapter 58 of the laws of 2020 amending the public authorities law relating to acquisitions or transfers of property for transit projects, in relation to the effectiveness thereof (Part K); to amend part UUU of chapter 58 of the laws of 2020 amending the state finance law relating to providing funding for the Metropolitan Transportation Authority 2020-2024 capital program and paratransit operating expenses, in relation to funding for net paratransit operating expenses and in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to providing funding for the metropolitan transportation authority 2025-2029 capital program (Part M); to amend the vehicle and traffic law, the general municipal law and chapter 773 of the laws of 2021, amending the vehicle and traffic law and the public officers law relating to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems, in relation to establishing a demonstration program on certain covered locations to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; to amend chapter 773 of the laws of 2021, amending the vehicle and traffic law and the public officers law relating to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems, in relation to the effectiveness thereof; and to repeal certain provisions of chapter 773 of the laws of 2021, amending the vehicle and traffic law and the public officers law relating to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems, relating thereto (Part N); intentionally omitted (Part O); intentionally omitted (Part P); to amend the vehicle and traffic law, in relation to the speed violation photo monitoring systems program in work zones including authorizing a photo monitoring program for the Triborough bridge and tunnel authority and New York state bridge authority; and to amend chapter 421 of the laws of 2021 amending the vehicle and traffic law and the general municipal law relating to certain notices of liability, in relation to extending such provisions (Part Q); intentionally omitted (Part R); to amend chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, in relation to the effectiveness thereof (Part S); to amend the public authorities law, in relation to authorizing the Olympic regional development authority to enter into agreements for membership of one or more of its ski venues in reciprocal ski pass programs where such members are required to guarantee contractual indemnity up to a capped amount (Part T); to amend the general business law, in relation to artificial intelligence companion models; and to amend the state finance law, in relation to establishing a suicide prevention fund (Part U); to amend the general business law, in relation to refund policies (Part V); to amend the general business law, in relation to automatic renewals (Part W); to amend the general business law, in relation to requiring disclosure of algorithmically set prices (Part X); to amend the banking law, in

relation to the regulation of buy-now-pay-later lenders (Part Y); to amend the insurance law, in relation to reporting requirements for pharmacy benefit managers (Part Z); intentionally omitted (Part AA); intentionally omitted (Part BB); to amend the insurance law, in relation to for hire motor vehicle insurance rates (Part CC); intentionally omitted (Part DD); to amend the New York state urban development corporation act, in relation to extending the authority of the New York state urban development corporation to administer the empire state economic development fund (Part EE); to amend chapter 393 of the laws of 1994, amending the New York state urban development corporation act, relating to the powers of the New York state urban development corporation to make loans, in relation to extending loan powers (Part FF); to amend part BB of chapter 58 of the laws of 2012, amending the public authorities law, relating to authorizing the dormitory authority to enter into certain design and construction management agreements, in relation to the effectiveness thereof (Part GG); intentionally omitted (Part HH); intentionally omitted (Part II); intentionally omitted (Part JJ); to amend chapter 261 of the laws of 1988, amending the state finance law and other laws relating to the New York state infrastructure trust fund, in relation to the effectiveness thereof; and to amend the executive law, in relation to a policy study regarding ways to improve the effectiveness of the minority and women-owned business enterprise program (Part KK); to amend the state finance law, in relation to the excelsior linked deposit program (Part LL); to amend the state finance law and the public authorities law, in relation to purchasing thresholds (Part MM); to amend the insurance law, the public authorities law and the tax law, in relation to authorizing the New York convention center operating corporation to create a pure captive insurance company (Part NN); intentionally omitted (Part OO); to amend the environmental conservation law, in relation to extending the waste tire management fee for two years and removing the exclusion for mail order sales (Part PP); to amend part ZZ of chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, in relation to extending provisions of the youth deer hunting program (Part QQ); to amend the environmental conservation law, the state finance law and the public authorities law, in relation to the inactive hazardous waste disposal site program (Part RR); to amend the general business law, in relation to the recall of class B firefighting foam and prohibiting the sale or distribution of firefighting personal protective equipment that contains intentionally added PFAS (Part SS); to amend the tax law, in relation to exemptions for any not-for-profit tax exempt corporation operated for conservation, environmental, parks or historic preservation purposes (Part TT); intentionally omitted (Part UU); in relation to authorizing the New York state energy research and development authority to finance a portion of its research, development and demonstration, policy and planning, and Fuel NY program, as well as climate change related expenses of the department of environmental conservation from an assessment on gas and electric corporations (Part VV); intentionally omitted (Part WW); to authorize utility and cable television assessments that provide funds to the department of health from cable television assessment revenues and to the department of agriculture and markets, department of state, the office of parks, recreation and historic preservation, and the department of environmental conservation from utility assessment revenues; requires accountings be submit-

ted of such funds; and providing for the repeal of such provisions upon expiration thereof (Part XX); to amend the general business law and the state finance law, in relation to increasing and redirecting civil penalties for failing to comply with the department of public service's prescribed rules and regulations established for the protection of underground facilities; and to amend chapter 522 of the laws of 2000, amending the state finance law and the general business law relating to establishing the underground facilities safety training account, in relation to the effectiveness thereof (Part YY); to amend the tax law, in relation to authorizing the department of taxation and finance to disclose certain information to the department of environmental conservation or the New York state energy research and development authority for the purpose of implementing the New York state climate leadership and community protection act (Part ZZ); intentionally omitted (Part AAA); in relation to establishing a commission to ensure the replacement of the statue of Robert R. Livingston in the National Statuary Hall of the United States Capitol with a statue of Harriet Tubman (Part BBB); to amend the environmental conservation law, in relation to extending certain rebates for clean vehicle projects (Part CCC); to amend the cannabis law, in relation to appointments to the cannabis control board and agreements of such board with the New York state Indian nations and tribes (Part DDD); and to amend the cannabis law, in relation to a special license fee; to amend the state finance law, in relation to making a conforming technical change; and providing for the repeal of certain provisions upon the expiration thereof (Part EEE)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
2 necessary to implement the state transportation, economic development
3 and environmental conservation budget for the 2025-2026 state fiscal
4 year. Each component is wholly contained within a Part identified as
5 Parts A through EEE. The effective date for each particular provision
6 contained within such Part is set forth in the last section of such
7 Part. Any provision in any section contained within a Part, including
8 the effective date of the Part, which makes a reference to a section "of
9 this act", when used in connection with that particular component, shall
10 be deemed to mean and refer to the corresponding section of the Part in
11 which it is found. Section three of this act sets forth the general
12 effective date of this act.

13 PART A

14 Section 1. Paragraph (a) of subdivision 4 of section 534-n of the
15 executive law, as added by section 2 of part L of chapter 58 of the laws
16 of 2024, is amended to read as follows:

17 (a) The commission may temporarily suspend a permit, license or regis-
18 tration pursuant to the provisions of this subdivision until further
19 order of the commission or final disposition of the underlying case,
20 [only] where the permittee, licensee or registrant has been indicted
21 for, or otherwise charged with, a crime which is equivalent to a felony
22 in the state of New York or any crime punishable by death or imprison-
23 ment for a term exceeding three hundred sixty-four days or [only] where

1 the permittee or licensee is a security officer who is charged by the
2 commission pursuant to this section with misappropriating any other
3 person's property at or on a pier or other waterfront terminal.

4 § 2. Subdivisions 6 and 7 of section 534-u of the executive law, as
5 added by section 2 of part L of chapter 58 of the laws of 2024, are
6 amended to read as follows:

7 6. Association with a person who has been identified by a federal,
8 state, or local law enforcement agency as a member or associate of an
9 organized crime group, a terrorist group, or a career offender cartel,
10 or who is a career offender, under circumstances where such association
11 creates a reasonable belief that the participation of the [~~applicant~~]
12 licensee or registrant in any activity required to be licensed under
13 this act would be inimical to the policies of this article, provided
14 however that association without the requisite showing of inimicality as
15 set forth herein shall be insufficient grounds for revocation; or

16 7. Conviction of a racketeering activity or knowing association with a
17 person who has been convicted of a racketeering activity by a court of
18 the United States or any state or territory thereof under circumstances
19 where such association creates a reasonable belief that the partic-
20 ipation of the [~~applicant~~] licensee or registrant in any activity
21 required to be licensed under this act would be inimical to the policies
22 of this article, provided, however, that association without the requi-
23 site showing of inimicality as set forth herein shall be insufficient
24 grounds for revocation.

25 § 3. This act shall take effect immediately.

26 PART B

27 Section 1. Section 1 of part I of chapter 413 of the laws of 1999
28 relating to providing for mass transportation payments, as amended by
29 section 1 of part E of chapter 58 of the laws of 2024, is amended to
30 read as follows:

31 Section 1. Notwithstanding any other law, rule or regulation to the
32 contrary, payment of mass transportation operating assistance pursuant
33 to section 18-b of the transportation law shall be subject to the
34 provisions contained herein and the amounts made available therefor by
35 appropriation.

36 In establishing service and usage formulas for distribution of mass
37 transportation operating assistance, the commissioner of transportation
38 may combine and/or take into consideration those formulas used to
39 distribute mass transportation operating assistance payments authorized
40 by separate appropriations in order to facilitate program administration
41 and to ensure an orderly distribution of such funds.

42 To improve the predictability in the level of funding for those
43 systems receiving operating assistance payments under service and usage
44 formulas, the commissioner of transportation is authorized with the
45 approval of the director of the budget, to provide service payments
46 based on service and usage statistics of the preceding year.

47 In the case of a service payment made, pursuant to section 18-b of the
48 transportation law, to a regional transportation authority on account of
49 mass transportation services provided to more than one county (consider-
50 ing the city of New York to be one county), the respective shares of the
51 matching payments required to be made by a county to any such authority
52 shall be as follows:

53 Percentage

	of Matching Payment	
1 Local Jurisdiction		
2 -----		
3 In the Metropolitan Commuter		
4 Transportation District:		
5 New York City	6.40	
6 Dutchess	1.30	
7 Nassau	39.60	
8 Orange	0.50	
9 Putnam	1.30	
10 Rockland	0.10	
11 Suffolk	25.70	
12 Westchester	25.10	
13 In the Capital District Trans-		
14 portation District:		
15 Albany	54.05	
16 Rensselaer	22.45	
17 Saratoga	3.95	
18 Schenectady	15.90	
19 Montgomery	1.44	
20 Warren	2.21	
21 In the Central New York Re-		
22 gional Transportation Dis-		
23 trict:		
24 Cayuga	5.11	5.05
25 Onondaga	75.83	74.94
26 Oswego	2.85	2.82
27 Oneida	16.21	16.02
28 <u>Cortland.....</u>	<u>1.17</u>	
29 In the Rochester-Genesee Re-		
30 gional Transportation Dis-		
31 trict:		
32 Genesee	1.36	
33 Livingston	.90	
34 Monroe	90.14	
35 Wayne	.98	
36 Wyoming	.51	
37 Seneca	.64	
38 Orleans	.77	
39 Ontario	4.69	
40 In the Niagara Frontier Trans-		
41 portation District: Erie		89.20
42 Niagara	10.80	

44 Notwithstanding any other inconsistent provisions of section 18-b of
 45 the transportation law or any other law, any moneys provided to a public
 46 benefit corporation constituting a transportation authority or to other
 47 public transportation systems in payment of state operating assistance
 48 or such lesser amount as the authority or public transportation system
 49 shall make application for, shall be paid by the commissioner of trans-
 50 portation to such authority or public transportation system in lieu, and
 51 in full satisfaction, of any amounts which the authority would otherwise
 52 be entitled to receive under section 18-b of the transportation law.

53 Notwithstanding the reporting date provision of section 17-a of the
 54 transportation law, the reports of each regional transportation authori-
 55 ty and other major public transportation systems receiving mass trans-

1 portation operating assistance shall be submitted on or before July 15
2 of each year in the format prescribed by the commissioner of transporta-
3 tion. Copies of such reports shall also be filed with the chairpersons
4 of the senate finance committee and the assembly ways and means commit-
5 tee and the director of the budget. The commissioner of transportation
6 may withhold future state operating assistance payments to public trans-
7 portation systems or private operators that do not provide such reports.

8 Payments may be made in quarterly installments as provided in subdivi-
9 sion 2 of section 18-b of the transportation law or in such other manner
10 and at such other times as the commissioner of transportation, with the
11 approval of the director of the budget, may provide; and where payment
12 is not made in the manner provided by such subdivision 2, the matching
13 payments required of any city, county, Indian tribe or intercity bus
14 company shall be made within 30 days of the payment of state operating
15 assistance pursuant to this section or on such other basis as may be
16 agreed upon by the commissioner of transportation, the director of the
17 budget, and the chief executive officer of such city, county, Indian
18 tribe or intercity bus company.

19 The commissioner of transportation shall be required to annually eval-
20 uate the operating and financial performance of each major public trans-
21 portation system. Where the commissioner's evaluation process has iden-
22 tified a problem related to system performance, the commissioner may
23 request the system to develop plans to address the performance deficien-
24 cies. The commissioner of transportation may withhold future state oper-
25 ating assistance payments to public transportation systems or private
26 operators that do not provide such operating, financial, or other infor-
27 mation as may be required by the commissioner to conduct the evaluation
28 process.

29 Payments shall be made contingent upon compliance with regulations
30 deemed necessary and appropriate, as prescribed by the commissioner of
31 transportation and approved by the director of the budget, which shall
32 promote the economy, efficiency, utility, effectiveness, and coordinated
33 service delivery of public transportation systems. The chief executive
34 officer of each public transportation system receiving a payment shall
35 certify to the commissioner of transportation, in addition to informa-
36 tion required by section 18-b of the transportation law, such other
37 information as the commissioner of transportation shall determine is
38 necessary to determine compliance and carry out the purposes herein.

39 Counties, municipalities or Indian tribes that propose to allocate
40 service payments to operators on a basis other than the amount earned by
41 the service payment formula shall be required to describe the proposed
42 method of distributing governmental operating aid and submit it one
43 month prior to the start of the operator's fiscal year to the commis-
44 sioner of transportation in writing for review and approval prior to the
45 distribution of state aid. The commissioner of transportation shall only
46 approve alternate distribution methods which are consistent with the
47 transportation needs of the people to be served and ensure that the
48 system of private operators does not exceed established maximum service
49 payment limits. Copies of such approvals shall be submitted to the
50 chairpersons of the senate finance and assembly ways and means commit-
51 tees.

52 Notwithstanding the provisions of subdivision 4 of section 18-b of the
53 transportation law, the commissioner of transportation is authorized to
54 continue to use prior quarter statistics to determine current quarter
55 payment amounts, as initiated in the April to June quarter of 1981. In
56 the event that actual revenue passengers and actual total number of

1 vehicle, nautical or car miles are not available for the preceding quar-
2 ter, estimated statistics may be used as the basis of payment upon
3 approval by the commissioner of transportation. In such event, the
4 succeeding payment shall be adjusted to reflect the difference between
5 the actual and estimated total number of revenue passengers and vehicle,
6 nautical or car miles used as the basis of the estimated payment. The
7 chief executive officer may apply for less aid than the system is eligi-
8 ble to receive. Each quarterly payment shall be attributable to operat-
9 ing expenses incurred during the quarter in which it is received, unless
10 otherwise specified by such commissioner. In the event that a public
11 transportation system ceases to participate in the program, operating
12 assistance due for the final quarter that service is provided shall be
13 based upon the actual total number of revenue passengers and the actual
14 total number of vehicle, nautical or car miles carried during that quar-
15 ter.

16 Payments shall be contingent on compliance with audit requirements
17 determined by the commissioner of transportation.

18 In the event that an audit of a public transportation system or
19 private operator receiving funds discloses the existence of an overpay-
20 ment of state operating assistance, regardless of whether such an over-
21 payment results from an audit of revenue passengers and the actual
22 number of revenue vehicle miles statistics, or an audit of private oper-
23 ators in cases where more than a reasonable return based on equity or
24 operating revenues and expenses has resulted, the commissioner of trans-
25 portation, in addition to recovering the amount of state operating
26 assistance overpaid, shall also recover interest, as defined by the
27 department of taxation and finance, on the amount of the overpayment.

28 Notwithstanding any other law, rule or regulation to the contrary,
29 whenever the commissioner of transportation is notified by the comp-
30 troller that the amount of revenues available for payment from an
31 account is less than the total amount of money for which the public mass
32 transportation systems are eligible pursuant to the provisions of
33 section 88-a of the state finance law and any appropriations enacted for
34 these purposes, the commissioner of transportation shall establish a
35 maximum payment limit which is proportionally lower than the amounts set
36 forth in appropriations.

37 Notwithstanding paragraphs (b) of subdivisions 5 and 7 of section 88-a
38 of the state finance law and any other general or special law, payments
39 may be made in quarterly installments or in such other manner and at
40 such other times as the commissioner of transportation, with the
41 approval of the director of the budget may prescribe.

42 § 2. This act shall take effect immediately and shall be deemed to
43 have been in full force and effect on and after April 1, 2025.

44 PART C

45 Section 1. Section 399-s of the vehicle and traffic law, as amended
46 by section 3 of part ZZ of chapter 58 of the laws of 2020, is amended to
47 read as follows:

48 § 399-s. Pilot program scope and duration. The commissioner shall
49 conduct a pilot program designed to evaluate utilizing the internet for
50 delivering an approved pre-licensing course required by subparagraph (i)
51 of paragraph (a) of subdivision four of section five hundred two of this
52 chapter, by permitting qualified applicants to participate in the pilot
53 program from June thirtieth, two thousand twenty to June thirtieth, two
54 thousand [~~twenty-five~~] thirty. Provided that applicants for class DJ

1 and class MJ licenses shall not be eligible to participate in such pilot
2 program.

3 § 2. Section 6 of chapter 368 of the laws of 2019 amending the vehicle
4 and traffic law and state finance law relating to establishing a pre-li-
5 censing course internet program, is amended to read as follows:

6 § 6. This act shall take effect June 30, 2020 and shall expire and be
7 deemed repealed June 30, ~~2025~~ 2030; provided, however, that the amend-
8 ments to paragraph (a) of subdivision 3 of section 89-b of the state
9 finance law made by section four of this act shall be subject to the
10 expiration and reversion of such subdivision pursuant to section 13 of
11 part U1 of chapter 62 of the laws of 2003, as amended, when upon such
12 date the provisions of section five of this act shall take effect.
13 Effective immediately, the addition, amendment and/or repeal of any rule
14 or regulation necessary for the implementation of this act on its effec-
15 tive date are authorized to be made and completed on or before such
16 effective date.

17 § 3. This act shall take effect immediately; provided, however, that
18 the amendment to section 399-s of the vehicle and traffic law made by
19 section one of this act shall not affect the repeal of such section and
20 shall be deemed repealed therewith.

21 PART D

22 Section 1. Subdivision 2 of section 1224 of the vehicle and traffic
23 law, as amended by chapter 540 of the laws of 2002, is amended to read
24 as follows:

25 2. If an abandoned vehicle, at the time of abandonment, has no number
26 plates affixed and is of a wholesale value, taking into consideration
27 the condition of the vehicle, of ~~one~~ two thousand two hundred fifty
28 dollars or less, ownership shall immediately vest in the local authority
29 having jurisdiction thereof and title to the vehicle shall vest in
30 accordance with applicable law and regulations of the commissioner,
31 provided however that a local authority shall not be required to obtain
32 title to an abandoned vehicle that is subject to the provisions of this
33 subdivision if the vehicle will be sold or otherwise disposed of as junk
34 or salvage, dismantled for use other than as a motor vehicle, or other-
35 wise destroyed.

36 § 2. This act shall take effect on the one hundred eightieth day after
37 it shall have become a law.

38 PART E

39 Intentionally Omitted

40 PART F

41 Intentionally Omitted

42 PART G

43 Intentionally Omitted

44 PART H

Intentionally Omitted

PART I

Section 1. Section 3 of part PP of chapter 54 of the laws of 2016 amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, as amended by section 1 of part A of chapter 58 of the laws of 2024, is amended to read as follows:

§ 3. This act shall take effect immediately; provided that the amendments to subdivision 1 of section 119-r of the general municipal law made by section two of this act shall expire and be deemed repealed April 1, ~~2025~~ 2026, and provided further that such repeal shall not affect the validity or duration of any contract entered into before that date pursuant to paragraph f of such subdivision.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2025.

PART J

Section 1. Section 45 of chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, as amended by section 1 of part G of chapter 58 of the laws of 2023, is amended to read as follows:

§ 45. This act shall take effect immediately; except that: (a) paragraph (d) of subdivision 3 of section 1263 of the public authorities law, as added by section twenty-six of this act, shall be deemed to have been in full force and effect on and after August 5, 1986; (b) sections thirty-three and thirty-four of this act shall not apply to a certified or recognized public employee organization which represents any public employees described in subdivision 16 of section 1204 of the public authorities law and such sections shall expire on July 1, ~~2025~~ 2027 and nothing contained within these sections shall be construed to divest the public employment relations board or any court of competent jurisdiction of the full power or authority to enforce any order made by the board or such court prior to the effective date of this act; (c) the provisions of section thirty-five of this act shall expire on March 31, 1987; and (d) provided, however, the commissioner of taxation and finance shall have the power to enforce the provisions of sections two through nine of this act beyond December 31, 1990 to enable such commissioner to collect any liabilities incurred prior to January 1, 1991.

§ 2. This act shall take effect immediately.

PART K

Section 1. Paragraph (a) of subdivision 12-a of section 1266 of the public authorities law, as added by section 2 of part VVV of chapter 58 of the laws of 2020, is amended to read as follows:

(a) Whenever the authority determines in consultation with the city of New York that it is necessary to obtain the temporary or permanent use, occupancy, control or possession of vacant or undeveloped or underutilized but replaceable real property, or any interest therein, or subsurface real property or any interest therein then owned by the city of New York for a project in the two thousand fifteen to two thousand nineteen ~~or the~~, two thousand twenty to two thousand twenty-four, or two thou-

1 sand twenty-five to two thousand twenty-nine approved capital programs
2 ~~[to]~~ in connection with (i) ~~[install]~~ the installation of one or more
3 elevators to make one or more subway stations more accessible, (ii)
4 ~~[construct or reconstruct]~~ the construction or reconstruction of an
5 electrical substation to increase available power to the subway system
6 to expand passenger capacity or reliability, ~~[or]~~ (iii) ~~[in connection~~
7 ~~with]~~ the capital project to construct four commuter railroad ~~[passen-~~
8 ~~gers]~~ passenger stations in the borough of the Bronx known as Penn
9 Station access, (iv) the Second Avenue Subway capital project, (v) the
10 Interborough Express capital project, or (vi) the construction or recon-
11 struction of signal or communication systems, the authority upon
12 approval by the board of the metropolitan transportation authority and
13 upon suitable notice and with the consent of the city of New York may
14 cause the title to such real property, or any interest therein, to be
15 transferred to the authority by adding it to the agreement of lease
16 dated June first, nineteen hundred fifty-three, as amended, renewed and
17 supplemented, authorized by section twelve hundred three of this arti-
18 cle, or may itself acquire title to such property from the city of New
19 York, and any such transfer or acquisition of real property shall be
20 subject to the provisions of subdivision five of section twelve hundred
21 sixty-six-c of this title. Nothing in this subdivision shall be deemed
22 to authorize any temporary or permanent transfer or acquisition of real
23 property, or interest therein, that is dedicated parkland without sepa-
24 rate legislative approval of such alienation.

25 § 2. Section 3 of part VVV of chapter 58 of the laws of 2020 amending
26 the public authorities law relating to acquisitions or transfers of
27 property for transit projects is amended to read as follows:

28 § 3. This act shall take effect immediately and shall expire and be
29 deemed repealed on December 31, ~~[2025]~~ 2030; provided, however, that the
30 repeal of this act shall not affect any transfer or acquisition pursuant
31 to all of the terms of section two of this act that has been approved by
32 the board of the metropolitan transportation authority before such
33 repeal date.

34 § 3. This act shall take effect immediately; provided however that the
35 amendments to paragraph (a) of subdivision 12-a of section 1266 of the
36 public authorities law made by section one of this act shall not affect
37 the repeal of such subdivision and shall be deemed repealed therewith.

PART L

39 Section 1. Section 5 of part UUU of chapter 58 of the laws of 2020
40 amending the state finance law relating to providing funding for the
41 Metropolitan Transportation Authority 2020-2024 capital program and
42 paratransit operating expenses, is amended by adding a new subdivision
43 (c) to read as follows:

44 (c) Notwithstanding subdivisions (a) and (b) of this section, during
45 the period from July first, two thousand twenty-five through June thir-
46 tieth, two thousand twenty-seven, the city of New York shall fund eighty
47 percent of the net paratransit operating expenses of the metropolitan
48 transportation authority, provided that such contribution shall not
49 exceed, for each twelve-month period ending June thirtieth, the sum of:
50 (i) fifty percent of the net paratransit operating expenses and (ii) one
51 hundred sixty-five million dollars. Net paratransit operating expenses
52 shall be calculated monthly by the MTA and will consist of the total
53 paratransit operating expenses of the program minus the six percent of
54 the urban tax dedicated to paratransit services as of the effective date

1 of this subdivision and minus any money collected as passenger fares
2 from paratransit operations.

3 § 2. Section 9 of part UUU of chapter 58 of the laws of 2020 amending
4 the state finance law relating to providing funding for the Metropolitan
5 Transportation Authority 2020-2024 capital program and paratransit oper-
6 ating expenses, as amended by section 3 of part D of chapter 58 of the
7 laws of 2023, is amended to read as follows:

8 § 9. This act shall take effect immediately[; ~~provided that sections~~
9 ~~five through seven of this act shall expire and be deemed repealed June~~
10 ~~30, 2030; and provided further that such repeal shall not affect or~~
11 ~~otherwise reduce amounts owed to the metropolitan transportation author-~~
12 ~~ity paratransit assistance fund to meet the city's share of the net~~
13 ~~paratransit operating expenses of the MTA for services provided prior to~~
14 ~~June 30, 2030~~].

15 § 3. This act shall take effect immediately.

16 PART M

17 Section 1. This act commits the state of New York and the city of New
18 York ("city") to fund, over a multi-year period, \$6,000,000,000 in capi-
19 tal costs related to projects contained in the Metropolitan Transporta-
20 tion Authority ("MTA") 2025-2029 capital program ("capital program").
21 The state share of \$3,000,000,000 and the city share of \$3,000,000,000
22 shall be provided to pay the capital costs of the capital program. The
23 funds committed by the state and city shall be provided concurrently,
24 and in proportion to the respective shares of each, in accordance with
25 the funding needs of the capital program.

26 § 2. (a) No funds dedicated for operating assistance of the MTA shall
27 be used to reduce or supplant the commitment of the state or city to
28 provide \$6,000,000,000 pursuant to section one of this act.

29 (b) The city and state's share of funds provided concurrently pursuant
30 to section one of this act shall be scheduled and paid to the MTA on a
31 schedule to be determined by the state director of the budget. In order
32 to determine the adequacy and pace of the level of state and city fund-
33 ing in support of the MTA's capital program, and to gauge the availabil-
34 ity of MTA capital resources planned for the capital program, the direc-
35 tor of the budget and the city may request, and the MTA shall provide,
36 periodic reports on the MTA's capital programs and financial activities.
37 The city shall certify to the state comptroller and the New York state
38 director of the budget, no later than seven days after making each
39 payment pursuant to this section, the amount of the payments and the
40 date upon which such payments were made.

41 § 3. (a) Notwithstanding any provision of law to the contrary, in the
42 event the city fails to certify to the state comptroller and the New
43 York state director of the budget that the city has paid in full any
44 concurrent payment required by section two of this act, the New York
45 state director of the budget shall direct the state comptroller to
46 transfer, collect, or deposit funds in accordance with subdivision (b)
47 of this section in an amount equal to the unpaid balance of any payment
48 required by section two of this act, provided that any such deposits
49 shall be counted against the city share of the Metropolitan Transporta-
50 tion Authority (MTA) 2025-2029 capital program (capital program) pursu-
51 ant to section one of this act. Such direction shall be pursuant to a
52 written plan or plans filed with the state comptroller, the chairperson
53 of the senate finance committee and the chairperson of the assembly ways
54 and means committee.

(b) Notwithstanding any provision of law to the contrary and as set forth in a plan or plans submitted by the New York state director of the budget pursuant to subdivision (a) of this section, the state comptroller is hereby directed and authorized to: (i) transfer funds authorized by any undisbursed general fund aid to localities appropriations or state special revenue fund aid to localities appropriations, excluding debt service, fiduciary, and federal fund appropriations, to the city to the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law in accordance with such plan; and/or (ii) collect and deposit into the Metropolitan Transportation Authority capital assistance fund established by section 92-ii of the state finance law funds from any other revenue source of the city, including the sales and use tax, in accordance with such plan. The state comptroller is hereby authorized and directed to make such transfers, collections and deposits as soon as practicable but not more than 3 days following the transmittal of such plan to the comptroller in accordance with subdivision (a) of this section.

(c) Notwithstanding any provision of law to the contrary, the state's obligation and/or liability to fund any program included in general fund aid to localities appropriations or state special revenue fund aid to localities appropriations from which funds are transferred pursuant to subdivision (b) of this section shall be reduced in an amount equal to such transfer or transfers.

§ 4. Subdivisions 2 and 3 of section 92-ii of the state finance law, as added by section 4 of part UUU of chapter 58 of the laws of 2020, are amended to read as follows:

2. Such fund shall consist of any monies directed thereto pursuant to the provisions of section three of ~~[the]~~ part UUU of ~~[the]~~ chapter fifty-eight of the laws of two thousand twenty ~~[which added this section]~~ and to the provisions of section three of the part of the chapter of the laws of two thousand twenty-five which amended this subdivision.

3. All monies deposited into the fund pursuant to ~~[the]~~ part UUU of ~~[the]~~ chapter fifty-eight of the laws of two thousand twenty ~~[which added this section]~~ and the part of the chapter of the laws of two thousand twenty-five which amended this subdivision shall be paid to the metropolitan transportation authority by the comptroller, without appropriation, for use in the same manner as the payments required by section two of such part, as soon as practicable but not more than five days from the date the comptroller determines that the full amount of the unpaid balance of any payment required by section three of part UUU of chapter fifty-eight of the laws of two thousand twenty and by section three of such part of the chapter of the laws of two thousand twenty-five which amended this subdivision has been deposited into the fund.

§ 5. This act shall take effect immediately.

PART N

Section 1. Subdivision 1 of section 235 of the vehicle and traffic law, as amended by section 2 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal: (a) to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or (b) to adjudi-

1 cate the liability of owners for violations of subdivision (d) of
2 section eleven hundred eleven of this chapter imposed pursuant to a
3 local law or ordinance imposing monetary liability on the owner of a
4 vehicle for failure of an operator thereof to comply with traffic-con-
5 trol indications through the installation and operation of traffic-con-
6 trol signal photo violation-monitoring systems, in accordance with arti-
7 cle twenty-four of this chapter, or (c) to adjudicate the liability of
8 owners for violations of subdivision (b), (c), (d), (f) or (g) of
9 section eleven hundred eighty of this chapter imposed pursuant to a
10 demonstration program imposing monetary liability on the owner of a
11 vehicle for failure of an operator thereof to comply with such posted
12 maximum speed limits through the installation and operation of photo
13 speed violation monitoring systems, in accordance with article thirty of
14 this chapter, or (d) to adjudicate the liability of owners for
15 violations of bus lane restrictions as defined by article twenty-four of
16 this chapter imposed pursuant to a bus rapid transit program imposing
17 monetary liability on the owner of a vehicle for failure of an operator
18 thereof to comply with such bus lane restrictions through the installa-
19 tion and operation of bus lane photo devices, in accordance with article
20 twenty-four of this chapter, or (e) to adjudicate the liability of
21 owners for violations of toll collection regulations imposed by certain
22 public authorities pursuant to the law authorizing such public authori-
23 ties to impose monetary liability on the owner of a vehicle for failure
24 of an operator thereof to comply with toll collection regulations of
25 such public authorities through the installation and operation of
26 photo-monitoring systems, in accordance with the provisions of section
27 two thousand nine hundred eighty-five of the public authorities law and
28 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
29 seventy-four of the laws of nineteen hundred fifty, or (f) to adjudicate
30 the liability of owners for violations of section eleven hundred seven-
31 ty-four of this chapter when meeting a school bus marked and equipped as
32 provided in subdivisions twenty and twenty-one-c of section three
33 hundred seventy-five of this chapter imposed pursuant to a local law or
34 ordinance imposing monetary liability on the owner of a vehicle for
35 failure of an operator thereof to comply with school bus red visual
36 signals through the installation and operation of school bus photo
37 violation monitoring systems, in accordance with article twenty-nine of
38 this chapter, or (g) to adjudicate the liability of owners for
39 violations of section three hundred eighty-five of this chapter and the
40 rules of the ~~[department of transportation of the city of New York]~~
41 applicable covered agency or covered authority as such terms are defined
42 in article ten of this chapter in relation to gross vehicle weight
43 and/or axle weight violations imposed pursuant to a weigh in motion
44 demonstration program imposing monetary liability on the owner of a
45 vehicle for failure of an operator thereof to comply with such gross
46 vehicle weight and/or axle weight restrictions through the installation
47 and operation of weigh in motion violation monitoring systems, in
48 accordance with article ten of this chapter, or (h) to adjudicate the
49 liability of owners for violations of subdivision (b), (d), (f) or (g)
50 of section eleven hundred eighty of this chapter imposed pursuant to a
51 demonstration program imposing monetary liability on the owner of a
52 vehicle for failure of an operator thereof to comply with such posted
53 maximum speed limits within a highway construction or maintenance work
54 area through the installation and operation of photo speed violation
55 monitoring systems, in accordance with article thirty of this chapter,
56 or (i) to adjudicate the liability of owners for violations of bus oper-

1 ation-related traffic regulations as defined by article twenty-four of
2 this chapter imposed pursuant to a demonstration program imposing mone-
3 tary liability on the owner of a vehicle for failure of an operator
4 thereof to comply with such bus operation-related traffic regulations
5 through the installation and operation of bus operation-related photo
6 devices, in accordance with article twenty-four of this chapter, such
7 tribunal and the rules and regulations pertaining thereto shall be
8 constituted in substantial conformance with the following sections.

9 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
10 amended by section 3 of part MM of chapter 56 of the laws of 2023, is
11 amended to read as follows:

12 1. Creation. In any city as hereinbefore or hereafter authorized such
13 tribunal when created shall be known as the parking violations bureau
14 and shall have jurisdiction of traffic infractions which constitute a
15 parking violation and, where authorized: (a) to adjudicate the liability
16 of owners for violations of subdivision (d) of section eleven hundred
17 eleven of this chapter imposed pursuant to a local law or ordinance
18 imposing monetary liability on the owner of a vehicle for failure of an
19 operator thereof to comply with traffic-control indications through the
20 installation and operation of traffic-control signal photo violation-
21 monitoring systems, in accordance with article twenty-four of this chap-
22 ter, or (b) to adjudicate the liability of owners for violations of
23 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
24 of this chapter imposed pursuant to a demonstration program imposing
25 monetary liability on the owner of a vehicle for failure of an operator
26 thereof to comply with such posted maximum speed limits through the
27 installation and operation of photo speed violation monitoring systems,
28 in accordance with article thirty of this chapter, or (c) to adjudicate
29 the liability of owners for violations of bus lane restrictions as
30 defined by article twenty-four of this chapter imposed pursuant to a bus
31 rapid transit program imposing monetary liability on the owner of a
32 vehicle for failure of an operator thereof to comply with such bus lane
33 restrictions through the installation and operation of bus lane photo
34 devices, in accordance with article twenty-four of this chapter, or (d)
35 to adjudicate the liability of owners for violations of toll collection
36 regulations imposed by certain public authorities pursuant to the law
37 authorizing such public authorities to impose monetary liability on the
38 owner of a vehicle for failure of an operator thereof to comply with
39 toll collection regulations of such public authorities through the
40 installation and operation of photo-monitoring systems, in accordance
41 with the provisions of section two thousand nine hundred eighty-five of
42 the public authorities law and sections sixteen-a, sixteen-b and
43 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
44 hundred fifty, or (e) to adjudicate the liability of owners for
45 violations of section eleven hundred seventy-four of this chapter when
46 meeting a school bus marked and equipped as provided in subdivisions
47 twenty and twenty-one-c of section three hundred seventy-five of this
48 chapter imposed pursuant to a local law or ordinance imposing monetary
49 liability on the owner of a vehicle for failure of an operator thereof
50 to comply with school bus red visual signals through the installation
51 and operation of school bus photo violation monitoring systems, in
52 accordance with article twenty-nine of this chapter, or (f) to adjudi-
53 cate the liability of owners for violations of section three hundred
54 eighty-five of this chapter and the rules of the [~~department of trans-~~
55 ~~portation of the city of New York~~] applicable covered agency or covered
56 authority as such terms are defined in article ten of this chapter in

1 relation to gross vehicle weight and/or axle weight violations imposed
2 pursuant to a weigh in motion demonstration program imposing monetary
3 liability on the owner of a vehicle for failure of an operator thereof
4 to comply with such gross vehicle weight and/or axle weight restrictions
5 through the installation and operation of weigh in motion violation
6 monitoring systems, in accordance with article ten of this chapter, or
7 (g) to adjudicate the liability of owners for violations of subdivision
8 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
9 imposed pursuant to a demonstration program imposing monetary liability
10 on the owner of a vehicle for failure of an operator thereof to comply
11 with such posted maximum speed limits within a highway construction or
12 maintenance work area through the installation and operation of photo
13 speed violation monitoring systems, in accordance with article thirty of
14 this chapter, or (h) to adjudicate the liability of owners for
15 violations of bus operation-related traffic regulations as defined by
16 article twenty-four of this chapter imposed pursuant to a demonstration
17 program imposing monetary liability on the owner of a vehicle for fail-
18 ure of an operator thereof to comply with such bus operation-related
19 traffic regulations through the installation and operation of bus opera-
20 tion-related photo devices, in accordance with article twenty-four of
21 this chapter. Such tribunal, except in a city with a population of one
22 million or more, shall also have jurisdiction of abandoned vehicle
23 violations. For the purposes of this article, a parking violation is the
24 violation of any law, rule or regulation providing for or regulating the
25 parking, stopping or standing of a vehicle. In addition for purposes of
26 this article, "commissioner" shall mean and include the commissioner of
27 traffic of the city or an official possessing authority as such a
28 commissioner.

29 § 3. Paragraph f of subdivision 1 of section 239 of the vehicle and
30 traffic law, as amended by section 4 of part MM of chapter 56 of the
31 laws of 2023, is amended to read as follows:

32 f. "Notice of violation" means a notice of violation as defined in
33 subdivision nine of section two hundred thirty-seven of this article,
34 but shall not be deemed to include a notice of liability issued pursuant
35 to authorization set forth in articles ten, twenty-four, twenty-nine and
36 thirty of this chapter, section two thousand nine hundred eighty-five of
37 the public authorities law and sections sixteen-a, sixteen-b and
38 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
39 hundred fifty to impose monetary liability on the owner of a vehicle for
40 failure of an operator thereof: to comply with traffic-control indi-
41 cations in violation of subdivision (d) of section eleven hundred eleven
42 of this chapter through the installation and operation of traffic-con-
43 trol signal photo violation-monitoring systems, in accordance with arti-
44 cle twenty-four of this chapter; or to comply with certain posted maxi-
45 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
46 of section eleven hundred eighty of this chapter through the installa-
47 tion and operation of photo speed violation monitoring systems, in
48 accordance with article thirty of this chapter; or to comply with bus
49 lane restrictions as defined by article twenty-four of this chapter
50 through the installation and operation of bus lane photo devices, in
51 accordance with article twenty-four of this chapter; or to comply with
52 toll collection regulations of certain public authorities through the
53 installation and operation of photo-monitoring systems, in accordance
54 with the provisions of section two thousand nine hundred eighty-five of
55 the public authorities law and sections sixteen-a, sixteen-b and
56 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen

1 hundred fifty; or to stop for a school bus displaying a red visual
2 signal in violation of section eleven hundred seventy-four of this chap-
3 ter through the installation and operation of school bus photo violation
4 monitoring systems, in accordance with article twenty-nine of this chap-
5 ter; or to comply with certain posted maximum speed limits in violation
6 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
7 this chapter within a highway construction or maintenance work area
8 through the installation and operation of photo speed violation monitor-
9 ing systems, in accordance with article thirty of this chapter; or to
10 comply with gross vehicle weight and/or axle weight restrictions in
11 violation of section three hundred eighty-five of this chapter and the
12 rules of the [~~department of transportation of the city of New York~~]
13 applicable covered agency or covered authority as such terms are defined
14 in article ten of this chapter through the installation and operation of
15 weigh in motion violation monitoring systems, in accordance with article
16 ten of this chapter; or to comply with bus operation-related traffic
17 regulations as defined by article twenty-four of this chapter in
18 violation of the rules of the department of transportation of the city
19 of New York through the installation and operation of bus operation-re-
20 lated photo devices, in accordance with article twenty-four of this
21 chapter.

22 § 4. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
23 law, as amended by section 5 of part MM of chapter 56 of the laws of
24 2023, are amended to read as follows:

25 1. Notice of hearing. Whenever a person charged with a parking
26 violation enters a plea of not guilty; or a person alleged to be liable
27 in accordance with any provisions of law specifically authorizing the
28 imposition of monetary liability on the owner of a vehicle for failure
29 of an operator thereof: to comply with traffic-control indications in
30 violation of subdivision (d) of section eleven hundred eleven of this
31 chapter through the installation and operation of traffic-control signal
32 photo violation-monitoring systems, in accordance with article twenty-
33 four of this chapter; or to comply with certain posted maximum speed
34 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
35 eleven hundred eighty of this chapter through the installation and oper-
36 ation of photo speed violation monitoring systems, in accordance with
37 article thirty of this chapter; or to comply with bus lane restrictions
38 as defined by article twenty-four of this chapter through the installa-
39 tion and operation of bus lane photo devices, in accordance with article
40 twenty-four of this chapter; or to comply with toll collection regu-
41 lations of certain public authorities through the installation and oper-
42 ation of photo-monitoring systems, in accordance with the provisions of
43 section two thousand nine hundred eighty-five of the public authorities
44 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
45 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
46 for a school bus displaying a red visual signal in violation of section
47 eleven hundred seventy-four of this chapter through the installation and
48 operation of school bus photo violation monitoring systems, in accord-
49 ance with article twenty-nine of this chapter; or to comply with certain
50 posted maximum speed limits in violation of subdivision (b), (d), (f) or
51 (g) of section eleven hundred eighty of this chapter within a highway
52 construction or maintenance work area through the installation and oper-
53 ation of photo speed violation monitoring systems, in accordance with
54 article thirty of this chapter; or to comply with gross vehicle weight
55 and/or axle weight restrictions in violation of section three hundred
56 eighty-five of this chapter and the rules of the [~~department of trans-~~

1 ~~portation of the city of New York]~~ applicable covered agency or covered
2 authority as such terms are defined in article ten of this chapter
3 through the installation and operation of weigh in motion violation
4 monitoring systems, in accordance with article ten of this chapter; or
5 to comply with bus operation-related traffic regulations as defined by
6 article twenty-four of this chapter in violation of the rules of the
7 department of transportation of the city of New York through the instal-
8 lation and operation of bus operation-related photo devices, in accord-
9 ance with article twenty-four of this chapter, contests such allegation,
10 the bureau shall advise such person personally by such form of first
11 class mail as the director may direct of the date on which ~~he or she~~
12 such person must appear to answer the charge at a hearing. The form and
13 content of such notice of hearing shall be prescribed by the director,
14 and shall contain a warning to advise the person so pleading or contest-
15 ing that failure to appear on the date designated, or on any subsequent
16 adjourned date, shall be deemed an admission of liability, and that a
17 default judgment may be entered thereon.

18 1-a. Fines and penalties. Whenever a plea of not guilty has been
19 entered, or the bureau has been notified that an allegation of liability
20 in accordance with provisions of law specifically authorizing the im-
21 position of monetary liability on the owner of a vehicle for failure of an
22 operator thereof: to comply with traffic-control indications in
23 violation of subdivision (d) of section eleven hundred eleven of this
24 chapter through the installation and operation of traffic-control signal
25 photo violation-monitoring systems, in accordance with article twenty-
26 four of this chapter; or to comply with certain posted maximum speed
27 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
28 eleven hundred eighty of this chapter through the installation and oper-
29 ation of photo speed violation monitoring systems, in accordance with
30 article thirty of this chapter; or to comply with bus lane restrictions
31 as defined by article twenty-four of this chapter through the installa-
32 tion and operation of bus lane photo devices, in accordance with article
33 twenty-four of this chapter; or to comply with toll collection regu-
34 lations of certain public authorities through the installation and oper-
35 ation of photo-monitoring systems, in accordance with the provisions of
36 section two thousand nine hundred eighty-five of the public authorities
37 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
38 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
39 for a school bus displaying a red visual signal in violation of section
40 eleven hundred seventy-four of this chapter through the installation and
41 operation of school bus photo violation monitoring systems, in accord-
42 ance with article twenty-nine of this chapter; or to comply with certain
43 posted maximum speed limits in violation of subdivision (b), (d), (f) or
44 (g) of section eleven hundred eighty of this chapter within a highway
45 construction or maintenance work area through the installation and oper-
46 ation of photo speed violation monitoring systems, in accordance with
47 article thirty of this chapter; or to comply with gross vehicle weight
48 and/or axle weight restrictions in violation of section three hundred
49 eighty-five of this chapter and the rules of the ~~department of trans-~~
50 ~~portation of the city of New York]~~ applicable covered agency or covered
51 authority as such terms are defined in article ten of this chapter
52 through the installation and operation of weigh in motion violation
53 monitoring systems, in accordance with article ten of this chapter; or
54 to comply with bus operation-related traffic regulations as defined by
55 article twenty-four of this chapter in violation of the rules of the
56 department of transportation of the city of New York through the instal-

1 lation and operation of bus operation-related photo devices, in accord-
2 ance with article twenty-four of this chapter, is being contested, by a
3 person in a timely fashion and a hearing upon the merits has been
4 demanded, but has not yet been held, the bureau shall not issue any
5 notice of fine or penalty to that person prior to the date of the hear-
6 ing.

7 § 5. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
8 and traffic law, as amended by section 6 of part MM of chapter 56 of the
9 laws of 2023, are amended to read as follows:

10 a. Every hearing for the adjudication of a charge of parking violation
11 or an allegation of liability of an owner for a violation of subdivision
12 (d) of section eleven hundred eleven of this chapter imposed pursuant to
13 a local law or ordinance imposing monetary liability on the owner of a
14 vehicle for failure of an operator thereof to comply with traffic-con-
15 trol indications through the installation and operation of traffic-con-
16 trol signal photo violation-monitoring systems, in accordance with arti-
17 cle twenty-four of this chapter, or an allegation of liability of an
18 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
19 section eleven hundred eighty of this chapter imposed pursuant to a
20 demonstration program imposing monetary liability on the owner of a
21 vehicle for failure of an operator thereof to comply with certain posted
22 maximum speed limits through the installation and operation of photo
23 speed violation monitoring systems, in accordance with article thirty of
24 this chapter, or an allegation of liability of an owner for a violation
25 of bus lane restrictions as defined by article twenty-four of this chap-
26 ter imposed pursuant to a bus rapid transit program imposing monetary
27 liability on the owner of a vehicle for failure of an operator thereof
28 to comply with such bus lane restrictions through the installation and
29 operation of bus lane photo devices, in accordance with article twenty-
30 four of this chapter, or an allegation of liability of an owner for a
31 violation of toll collection regulations imposed by certain public
32 authorities pursuant to the law authorizing such public authorities to
33 impose monetary liability on the owner of a vehicle for failure of an
34 operator thereof to comply with toll collection regulations of such
35 public authorities through the installation and operation of photo-moni-
36 toring systems, in accordance with the provisions of section two thou-
37 sand nine hundred eighty-five of the public authorities law and sections
38 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
39 of the laws of nineteen hundred fifty, or an allegation of liability of
40 an owner for a violation of section eleven hundred seventy-four of this
41 chapter when meeting a school bus marked and equipped as provided in
42 subdivisions twenty and twenty-one-c of section three hundred seventy-
43 five of this chapter imposed pursuant to a local law or ordinance impos-
44 ing monetary liability on the owner of a vehicle for failure of an oper-
45 ator thereof to comply with school bus red visual signals through the
46 installation and operation of school bus photo violation monitoring
47 systems, in accordance with article twenty-nine of this chapter, or an
48 allegation of liability of an owner for a violation of subdivision (b),
49 (d), (f) or (g) of section eleven hundred eighty of this chapter imposed
50 pursuant to a demonstration program imposing monetary liability on the
51 owner of a vehicle for failure of an operator thereof to comply with
52 certain posted maximum speed limits within a highway construction or
53 maintenance work area through the installation and operation of photo
54 speed violation monitoring systems, in accordance with article thirty of
55 this chapter, or an allegation of liability of an owner for a violation
56 of section three hundred eighty-five of this chapter and the rules of

1 the [~~department of transportation of the city of New York~~] applicable
2 covered agency or covered authority as such terms are defined in article
3 ten of this chapter in relation to gross vehicle weight and/or axle
4 weight violations imposed pursuant to a weigh in motion demonstration
5 program imposing monetary liability on the owner of a vehicle for fail-
6 ure of an operator thereof to comply with such gross vehicle weight
7 and/or axle weight restrictions through the installation and operation
8 of weigh in motion violation monitoring systems, in accordance with
9 article ten of this chapter, or an allegation of liability of an owner
10 for a violation of bus operation-related traffic regulations as defined
11 by article twenty-four of this chapter imposed pursuant to a demon-
12 stration program imposing monetary liability on the owner of a vehicle
13 for failure of an operator thereof to comply with such bus operation-re-
14 lated traffic regulations through the installation and operation of bus
15 operation-related photo devices, in accordance with article twenty-four
16 of this chapter, shall be held before a hearing examiner in accordance
17 with rules and regulations promulgated by the bureau.

18 g. A record shall be made of a hearing on a plea of not guilty or of a
19 hearing at which liability in accordance with any provisions of law
20 specifically authorizing the imposition of monetary liability on the
21 owner of a vehicle for failure of an operator thereof: to comply with
22 traffic-control indications in violation of subdivision (d) of section
23 eleven hundred eleven of this chapter through the installation and oper-
24 ation of traffic-control signal photo violation-monitoring systems, in
25 accordance with article twenty-four of this chapter; to comply with
26 certain posted maximum speed limits in violation of subdivision (b),
27 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter
28 through the installation and operation of photo speed violation monitor-
29 ing systems, in accordance with article thirty of this chapter; to
30 comply with bus lane restrictions as defined by article twenty-four of
31 this chapter through the installation and operation of bus lane photo
32 devices, in accordance with article twenty-four of this chapter; to
33 comply with toll collection regulations of certain public authorities
34 through the installation and operation of photo-monitoring systems, in
35 accordance with the provisions of section two thousand nine hundred
36 eighty-five of the public authorities law and sections sixteen-a,
37 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
38 laws of nineteen hundred fifty; to stop for a school bus displaying a
39 red visual signal in violation of section eleven hundred seventy-four of
40 this chapter through the installation and operation of school bus photo
41 violation monitoring systems, in accordance with article twenty-nine of
42 this chapter; to comply with certain posted maximum speed limits in
43 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
44 eighty of this chapter within a highway construction or maintenance work
45 area through the installation and operation of photo speed violation
46 monitoring systems, in accordance with article thirty of this chapter;
47 to comply with gross vehicle weight and/or axle weight restrictions in
48 violation of section three hundred eighty-five of this chapter and the
49 rules of the [~~department of transportation of the city of New York~~]
50 applicable covered agency or covered authority as such terms are defined
51 in article ten of this chapter through the installation and operation of
52 weigh in motion violation monitoring systems, in accordance with article
53 ten of this chapter; or to comply with bus operation-related traffic
54 regulations as defined by article twenty-four of this chapter in
55 violation of the rules of the department of transportation of the city
56 of New York through the installation and operation of bus operation-re-

lated photo devices, in accordance with article twenty-four of this chapter, is contested. Recording devices may be used for the making of the record.

§ 6. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as amended by section 7 of part MM of chapter 56 of the laws of 2023, are amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained ~~[he or she]~~ such hearing examiner may examine either the prior parking violations record or the record of liabilities incurred in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority as such terms are defined in article ten of this chapter through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of

1 monetary liability on the owner of a vehicle for failure of an operator
2 thereof: to comply with traffic-control indications in violation of
3 subdivision (d) of section eleven hundred eleven of this chapter through
4 the installation and operation of traffic-control signal photo viola-
5 tion-monitoring systems, in accordance with article twenty-four of this
6 chapter; to comply with certain posted maximum speed limits in violation
7 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
8 eighty of this chapter through the installation and operation of photo
9 speed violation monitoring systems, in accordance with article thirty of
10 this chapter; to comply with bus lane restrictions as defined by article
11 twenty-four of this chapter through the installation and operation of
12 bus lane photo devices, in accordance with article twenty-four of this
13 chapter; to comply with toll collection regulations of certain public
14 authorities through the installation and operation of photo-monitoring
15 systems, in accordance with the provisions of section two thousand nine
16 hundred eighty-five of the public authorities law and sections
17 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
18 of the laws of nineteen hundred fifty; to stop for a school bus display-
19 ing a red visual signal in violation of section eleven hundred seventy-
20 four of this chapter through the installation and operation of school
21 bus photo violation monitoring systems, in accordance with article twen-
22 ty-nine of this chapter; to comply with certain posted maximum speed
23 limits in violation of subdivision (b), (d), (f) or (g) of section elev-
24 en hundred eighty of this chapter within a highway construction or main-
25 tenance work area through the installation and operation of photo speed
26 violation monitoring systems, in accordance with article thirty of this
27 chapter; to comply with gross vehicle weight and/or axle weight
28 restrictions in violation of section three hundred eighty-five of this
29 chapter and the rules of the [~~department of transportation of the city~~
30 ~~of New York~~] applicable covered agency or covered authority as such
31 terms are defined in article ten of this chapter through the installa-
32 tion and operation of weigh in motion violation monitoring systems, in
33 accordance with article ten of this chapter; or to comply with bus oper-
34 ation-related traffic regulations as defined by article twenty-four of
35 this chapter in violation of the rules of the department of transporta-
36 tion of the city of New York through the installation and operation of
37 bus operation-related photo devices, in accordance with article twenty-
38 four of this chapter, or fails to appear on a designated hearing date or
39 subsequent adjourned date or fails after a hearing to comply with the
40 determination of a hearing examiner, as prescribed by this article or by
41 rule or regulation of the bureau, such failure to plead or contest,
42 appear or comply shall be deemed, for all purposes, an admission of
43 liability and shall be grounds for rendering and entering a default
44 judgment in an amount provided by the rules and regulations of the
45 bureau. However, after the expiration of the original date prescribed
46 for entering a plea and before a default judgment may be rendered, in
47 such case the bureau shall pursuant to the applicable provisions of law
48 notify such operator or owner, by such form of first class mail as the
49 commission may direct; (1) of the violation charged, or liability
50 alleged in accordance with any provisions of law specifically authoriz-
51 ing the imposition of monetary liability on the owner of a vehicle for
52 failure of an operator thereof: to comply with traffic-control indi-
53 cations in violation of subdivision (d) of section eleven hundred eleven
54 of this chapter through the installation and operation of traffic-con-
55 trol signal photo violation-monitoring systems, in accordance with arti-
56 cle twenty-four of this chapter; to comply with certain posted maximum

1 speed limits in violation of subdivision (b), (c), (d), (f) or (g) of
2 section eleven hundred eighty of this chapter through the installation
3 and operation of photo speed violation monitoring systems, in accordance
4 with article thirty of this chapter; to comply with bus lane
5 restrictions as defined by article twenty-four of this chapter through
6 the installation and operation of bus lane photo devices, in accordance
7 with article twenty-four of this chapter; to comply with toll collection
8 regulations of certain public authorities through the installation and
9 operation of photo-monitoring systems, in accordance with the provisions
10 of section two thousand nine hundred eighty-five of the public authori-
11 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
12 seven hundred seventy-four of the laws of nineteen hundred fifty; to
13 stop for a school bus displaying a red visual signal in violation of
14 section eleven hundred seventy-four of this chapter through the instal-
15 lation and operation of school bus photo violation monitoring systems,
16 in accordance with article twenty-nine of this chapter; to comply with
17 certain posted maximum speed limits in violation of subdivision (b),
18 (d), (f) or (g) of section eleven hundred eighty of this chapter within
19 a highway construction or maintenance work area through the installation
20 and operation of photo speed violation monitoring systems, in accordance
21 with article thirty of this chapter; to comply with gross vehicle weight
22 and/or axle weight restrictions in violation of section three hundred
23 eighty-five of this chapter and the rules of the [~~department of trans-~~
24 ~~portation of the city of New York~~] applicable covered agency or covered
25 authority as such terms are defined in article ten of this chapter
26 through the installation and operation of weigh in motion violation
27 monitoring systems, in accordance with article ten of this chapter; or
28 to comply with bus operation-related traffic regulations as defined by
29 article twenty-four of this chapter in violation of the rules of the
30 department of transportation of the city of New York through the instal-
31 lation and operation of bus operation-related photo devices, in accord-
32 ance with article twenty-four of this chapter, (2) of the impending
33 default judgment, (3) that such judgment will be entered in the Civil
34 Court of the city in which the bureau has been established, or other
35 court of civil jurisdiction or any other place provided for the entry of
36 civil judgments within the state of New York, and (4) that a default may
37 be avoided by entering a plea or contesting an allegation of liability
38 in accordance with any provisions of law specifically authorizing the
39 imposition of monetary liability on the owner of a vehicle for failure
40 of an operator thereof: to comply with traffic-control indications in
41 violation of subdivision (d) of section eleven hundred eleven of this
42 chapter through the installation and operation of traffic-control signal
43 photo violation-monitoring systems, in accordance with article twenty-
44 four of this chapter; to comply with certain posted maximum speed limits
45 in violation of subdivision (b), (c), (d), (f) or (g) of section eleven
46 hundred eighty of this chapter through the installation and operation of
47 photo speed violation monitoring systems, in accordance with article
48 thirty of this chapter; to comply with bus lane restrictions as defined
49 by article twenty-four of this chapter through the installation and
50 operation of bus lane photo devices, in accordance with article twenty-
51 four of this chapter; to comply with toll collection regulations of
52 certain public authorities through the installation and operation of
53 photo-monitoring systems, in accordance with the provisions of section
54 two thousand nine hundred eighty-five of the public authorities law and
55 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
56 seventy-four of the laws of nineteen hundred fifty; to stop for a school

1 bus displaying a red visual signal in violation of section eleven
2 hundred seventy-four of this chapter through the installation and opera-
3 tion of school bus photo violation monitoring systems, in accordance
4 with article twenty-nine of this chapter; to comply with certain posted
5 maximum speed limits in violation of subdivision (b), (d), (f) or (g) of
6 section eleven hundred eighty of this chapter within a highway
7 construction or maintenance work area through the installation and opera-
8 tion of photo speed violation monitoring systems, in accordance with
9 article thirty of this chapter; to comply with gross vehicle weight
10 and/or axle weight restrictions in violation of section three hundred
11 eighty-five of this chapter and the rules of the [~~department of trans-~~
12 ~~portation of the city of New York~~] applicable covered agency or covered
13 authority as such terms are defined in article ten of this chapter
14 through the installation and operation of weigh in motion violation
15 monitoring systems, in accordance with article ten of this chapter; or
16 to comply with bus operation-related traffic regulations as defined by
17 article twenty-four of this chapter in violation of the rules of the
18 department of transportation of the city of New York through the instal-
19 lation and operation of bus operation-related photo devices, in accord-
20 ance with article twenty-four of this chapter; or making an appearance
21 within thirty days of the sending of such notice. Pleas entered and
22 allegations contested within that period shall be in the manner
23 prescribed in the notice and not subject to additional penalty or fee.
24 Such notice of impending default judgment shall not be required prior to
25 the rendering and entry thereof in the case of operators or owners who
26 are non-residents of the state of New York. In no case shall a default
27 judgment be rendered or, where required, a notice of impending default
28 judgment be sent, more than two years after the expiration of the time
29 prescribed for entering a plea or contesting an allegation. When a
30 person has demanded a hearing, no fine or penalty shall be imposed for
31 any reason, prior to the holding of the hearing. If the hearing examiner
32 shall make a determination on the charges, sustaining them, [~~he or she~~]
33 such hearing examiner shall impose no greater penalty or fine than those
34 upon which the person was originally charged.

35 § 7. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
36 of the vehicle and traffic law, as amended by section 8 of part MM of
37 chapter 56 of the laws of 2023, is amended to read as follows:

38 (i) If at the time of application for a registration or renewal there-
39 of there is a certification from a court, parking violations bureau,
40 traffic and parking violations agency or administrative tribunal of
41 appropriate jurisdiction that the registrant or [~~his or her~~] their
42 representative failed to appear on the return date or any subsequent
43 adjourned date or failed to comply with the rules and regulations of an
44 administrative tribunal following entry of a final decision in response
45 to a total of three or more summonses or other process in the aggregate,
46 issued within an eighteen month period, charging either that: (i) such
47 motor vehicle was parked, stopped or standing, or that such motor vehi-
48 cle was operated for hire by the registrant or [~~his or her~~] their agent
49 without being licensed as a motor vehicle for hire by the appropriate
50 local authority, in violation of any of the provisions of this chapter
51 or of any law, ordinance, rule or regulation made by a local authority;
52 or (ii) the registrant was liable for a violation of subdivision (d) of
53 section eleven hundred eleven of this chapter imposed pursuant to a
54 local law or ordinance imposing monetary liability on the owner of a
55 vehicle for failure of an operator thereof to comply with traffic-con-
56 trol indications through the installation and operation of traffic-con-

1 trol signal photo violation-monitoring systems, in accordance with arti-
2 cle twenty-four of this chapter; or (iii) the registrant was liable for
3 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
4 hundred eighty of this chapter imposed pursuant to a demonstration
5 program imposing monetary liability on the owner of a vehicle for fail-
6 ure of an operator thereof to comply with such posted maximum speed
7 limits through the installation and operation of photo speed violation
8 monitoring systems, in accordance with article thirty of this chapter;
9 or (iv) the registrant was liable for a violation of bus lane
10 restrictions as defined by article twenty-four of this chapter imposed
11 pursuant to a bus rapid transit program imposing monetary liability on
12 the owner of a vehicle for failure of an operator thereof to comply with
13 such bus lane restrictions through the installation and operation of bus
14 lane photo devices, in accordance with article twenty-four of this chap-
15 ter; or (v) the registrant was liable for a violation of section eleven
16 hundred seventy-four of this chapter when meeting a school bus marked
17 and equipped as provided in subdivisions twenty and twenty-one-c of
18 section three hundred seventy-five of this chapter imposed pursuant to a
19 local law or ordinance imposing monetary liability on the owner of a
20 vehicle for failure of an operator thereof to comply with school bus red
21 visual signals through the installation and operation of school bus
22 photo violation monitoring systems, in accordance with article twenty-
23 nine of this chapter; or (vi) the registrant was liable for a violation
24 of section three hundred eighty-five of this chapter and the rules of
25 the ~~[department of transportation of the city of New York]~~ applicable
26 covered agency or covered authority as such terms are defined in article
27 ten of this chapter in relation to gross vehicle weight and/or axle
28 weight violations imposed pursuant to a weigh in motion demonstration
29 program imposing monetary liability on the owner of a vehicle for fail-
30 ure of an operator thereof to comply with such gross vehicle weight
31 and/or axle weight restrictions through the installation and operation
32 of weigh in motion violation monitoring systems, in accordance with
33 article ten of this chapter; or (vii) the registrant was liable for a
34 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
35 eighty of this chapter imposed pursuant to a demonstration program
36 imposing monetary liability on the owner of a vehicle for failure of an
37 operator thereof to comply with such posted maximum speed limits within
38 a highway construction or maintenance work area through the installation
39 and operation of photo speed violation monitoring systems, in accordance
40 with article thirty of this chapter, or (viii) the registrant was liable
41 for a violation of bus operation-related traffic regulations as defined
42 by article twenty-four of this chapter imposed pursuant to a demon-
43 stration program imposing monetary liability on the owner of a vehicle
44 for failure of an operator thereof to comply with such bus operation-re-
45 lated traffic regulations through the installation and operation of bus
46 operation-related photo devices, in accordance with article twenty-four
47 of this chapter, the commissioner or ~~[his or her]~~ their agent shall deny
48 the registration or renewal application until the applicant provides
49 proof from the court, traffic and parking violations agency or adminis-
50 trative tribunal wherein the charges are pending that an appearance or
51 answer has been made or in the case of an administrative tribunal that
52 ~~[he or she]~~ such applicant has complied with the rules and regulations
53 of said tribunal following entry of a final decision. Where an applica-
54 tion is denied pursuant to this section, the commissioner may, in ~~[his~~
55 ~~or her]~~ their discretion, deny a registration or renewal application to
56 any other person for the same vehicle and may deny a registration or

1 renewal application for any other motor vehicle registered in the name
2 of the applicant where the commissioner has determined that such regis-
3 trant's intent has been to evade the purposes of this subdivision and
4 where the commissioner has reasonable grounds to believe that such
5 registration or renewal will have the effect of defeating the purposes
6 of this subdivision. Such denial shall only remain in effect as long as
7 the summonses remain unanswered, or in the case of an administrative
8 tribunal, the registrant fails to comply with the rules and regulations
9 following entry of a final decision.

10 § 8. Subdivision 1-a of section 1809 of the vehicle and traffic law,
11 as amended by section 9 of part MM of chapter 56 of the laws of 2023, is
12 amended to read as follows:

13 1-a. Notwithstanding the provisions of subdivision one of this
14 section, the provisions of subdivision one of this section shall not
15 apply to an adjudication of liability of owners: (a) for violations of
16 subdivision (d) of section eleven hundred eleven of this chapter imposed
17 pursuant to a local law or ordinance imposing monetary liability on the
18 owner of a vehicle for failure of an operator thereof to comply with
19 traffic-control indications through the installation and operation of
20 traffic-control signal photo violation-monitoring systems, in accordance
21 with article twenty-four of this chapter; or (b) for violations of
22 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
23 of this chapter imposed pursuant to a demonstration program imposing
24 monetary liability on the owner of a vehicle for failure of an operator
25 thereof to comply with such posted maximum speed limits through the
26 installation and operation of photo speed violation monitoring systems,
27 in accordance with article thirty of this chapter; or (c) for violations
28 of bus lane restrictions as defined by article twenty-four of this chap-
29 ter imposed pursuant to a bus rapid transit program imposing monetary
30 liability on the owner of a vehicle for failure of an operator thereof
31 to comply with such bus lane restrictions through the installation and
32 operation of bus lane photo devices, in accordance with article twenty-
33 four of this chapter; or (d) for violations of toll collection regu-
34 lations imposed by certain public authorities pursuant to the law
35 authorizing such public authorities to impose monetary liability on the
36 owner of a vehicle for failure of an operator thereof to comply with
37 toll collection regulations of such public authorities through the
38 installation and operation of photo-monitoring systems, in accordance
39 with the provisions of section two thousand nine hundred eighty-five of
40 the public authorities law and sections sixteen-a, sixteen-b and
41 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
42 hundred fifty; or (e) for violations of section eleven hundred seventy-
43 four of this chapter when meeting a school bus marked and equipped as
44 provided in subdivisions twenty and twenty-one-c of section three
45 hundred seventy-five of this chapter imposed pursuant to a local law or
46 ordinance imposing monetary liability on the owner of a vehicle for
47 failure of an operator thereof to comply with school bus red visual
48 signals through the installation and operation of school bus photo
49 violation monitoring systems, in accordance with article twenty-nine of
50 this chapter; or (f) for violations of section three hundred eighty-five
51 of this chapter and the rules of the ~~[department of transportation of~~
52 ~~the city of New York]~~ applicable covered agency or covered authority as
53 such terms are defined in article ten of this chapter in relation to
54 gross vehicle weight and/or axle weight violations imposed pursuant to a
55 weigh in motion demonstration program imposing monetary liability on the
56 owner of a vehicle for failure of an operator thereof to comply with

1 such gross vehicle weight and/or axle weight restrictions through the
2 installation and operation of weigh in motion violation monitoring
3 systems, in accordance with article ten of this chapter; or (g) for
4 violations of subdivision (b), (d), (f) or (g) of section eleven hundred
5 eighty of this chapter imposed pursuant to a demonstration program
6 imposing monetary liability on the owner of a vehicle for failure of an
7 operator thereof to comply with such posted maximum speed limits within
8 a highway construction or maintenance work area through the installation
9 and operation of photo speed violation monitoring systems, in accordance
10 with article thirty of this chapter; or (h) for violations of bus opera-
11 tion-related traffic regulations as defined by article twenty-four of
12 this chapter imposed pursuant to a demonstration program imposing mone-
13 tary liability on the owner of a vehicle for failure of an operator
14 thereof to comply with such bus operation-related traffic regulations
15 through the installation and operation of bus operation-related photo
16 devices, in accordance with article twenty-four of this chapter.

17 § 9. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
18 traffic law, as amended by section 12 of part MM of chapter 56 of the
19 laws of 2023, is amended to read as follows:

20 a. Notwithstanding any other provision of law, whenever proceedings in
21 a court or an administrative tribunal of this state result in a
22 conviction for an offense under this chapter, except a conviction pursu-
23 ant to section eleven hundred ninety-two of this chapter, or for a traf-
24 fic infraction under this chapter, or a local law, ordinance, rule or
25 regulation adopted pursuant to this chapter, except: (i) a traffic
26 infraction involving standing, stopping, or parking or violations by
27 pedestrians or bicyclists; and (ii) an adjudication of liability of an
28 owner for a violation of subdivision (d) of section eleven hundred elev-
29 en of this chapter imposed pursuant to a local law or ordinance imposing
30 monetary liability on the owner of a vehicle for failure of an operator
31 thereof to comply with traffic-control indications through the installa-
32 tion and operation of traffic-control signal photo violation-monitoring
33 systems, in accordance with article twenty-four of this chapter; and
34 (iii) an adjudication of liability of an owner for a violation of subdivi-
35 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
36 this chapter imposed pursuant to a demonstration program imposing mone-
37 tary liability on the owner of a vehicle for failure of an operator
38 thereof to comply with such posted maximum speed limits through the
39 installation and operation of photo speed violation monitoring systems,
40 in accordance with article thirty of this chapter; and (iv) an adjudi-
41 cation of liability of an owner for a violation of bus lane restrictions
42 as defined by article twenty-four of this chapter imposed pursuant to a
43 bus rapid transit program imposing monetary liability on the owner of a
44 vehicle for failure of an operator thereof to comply with such bus lane
45 restrictions through the installation and operation of bus lane photo
46 devices, in accordance with article twenty-four of this chapter; and (v)
47 an adjudication of liability of an owner for a violation of toll
48 collection regulations imposed by certain public authorities pursuant to
49 the law authorizing such public authorities to impose monetary liability
50 on the owner of a vehicle for failure of an operator thereof to comply
51 with toll collection regulations of such public authorities through the
52 installation and operation of photo-monitoring systems, in accordance
53 with section two thousand nine hundred eighty-five of the public author-
54 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
55 seven hundred seventy-four of the laws of nineteen hundred fifty; and
56 (vi) an adjudication of liability of an owner for a violation of section

eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; and (vii) an adjudication of liability of an owner for a violation of section three hundred eighty-five of this chapter and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority as such terms are defined in article ten of this chapter in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; and (viii) an adjudication of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; and (ix) an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

§ 10. Section 371-a of the general municipal law, as separately added by chapters 421, 460 and 773 of the laws of 2021, is amended to read as follows:

§ 371-a. Additional jurisdiction and procedure related to the adjudication of certain notices of liability. A traffic violations bureau established pursuant to subdivision one and a traffic and parking violations agency established pursuant to subdivision two of section three hundred seventy-one of this article may be authorized to adjudicate, in accordance with the provisions of this article, the liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of the vehicle and traffic law; or (b) for violations of section eleven hundred seventy-four of the vehicle and traffic law when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an

operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of the vehicle and traffic law; or (c) for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (d) for violations of section three hundred eighty-five of the vehicle and traffic law and the rules of the applicable covered agency or covered authority as such terms are defined in article ten of the vehicle and traffic law in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of the vehicle and traffic law.

§ 11. Section 385-a of the vehicle and traffic law, as added by chapter 773 of the laws of 2021, paragraph 3 of subdivision (a) as amended by chapter 253 of the laws of 2023, is amended to read as follows:

§ 385-a. Owner liability for failure of operator to comply with weight restrictions [~~on interstate route 278 in Kings county~~]. (a) 1. (i) Notwithstanding any other provision of law, the city of New York is hereby authorized to establish a weigh in motion demonstration program on [~~interstate route 278 in Kings county~~] the covered locations set forth in subparagraph (ii) of this paragraph imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with gross vehicle weight and/or axle weight restrictions on such [~~portion of such interstate~~] covered locations in accordance with the provisions of this section. Such demonstration program shall empower the city of New York to install and operate up to sixteen weigh in motion violation monitoring systems at any one time on interstate route 278 in Kings county, and up to two weigh in motion violation monitoring systems at any one time on each of the other covered locations set forth in such subparagraph. Such systems may be stationary or mobile and may be activated at locations on such portion of such interstate and on the other such covered locations as determined by the New York city department of transportation. The New York state department of transportation, covered agencies, and covered authorities may enter into a memorandum of understanding with the New York city department of transportation for the purposes of coordinating the planning, design, installation, construction and maintenance of such weigh in motion demonstration program. Such memorandum shall address, for purposes of such demonstration program, the use of systems, devices and other facilities owned and operated by the state, covered agencies, and covered authorities.

(ii) Covered locations subject to a demonstration program established by the city of New York pursuant to this section shall mean interstate route 278 in Kings county; the Greenpoint Avenue bridge over Newtown Creek; the Metropolitan Avenue bridge over Newtown Creek; the Hamilton Avenue bridge over the Gowanus Canal; the Williamsburg bridge over the East River; the Ed Koch Queensboro bridge (state route 25) over the East River; the Third Avenue bridge over the Harlem River; the Manhattan

1 bridge over the East River; and that portion of the Long Island Express-
2 way (interstate route 495) over Woodhaven Boulevard.

3 1-a. (i) Notwithstanding any other provision of law, after holding a
4 public hearing in accordance with the public officers law and subsequent
5 approval of the establishment of a demonstration program in accordance
6 with this section by a majority of the members of the entire board of
7 the triborough bridge and tunnel authority, the chair of the triborough
8 bridge and tunnel authority is hereby authorized to establish a weigh in
9 motion demonstration program on the covered location set forth in
10 subparagraph (ii) of this paragraph imposing monetary liability on the
11 owner of a vehicle for failure of an operator thereof to comply with
12 gross vehicle weight and/or axle weight restrictions on such covered
13 location in accordance with the provisions of this section. Such demon-
14 stration program shall empower the chair of the triborough bridge and
15 tunnel authority to install and operate up to two weigh in motion
16 violation monitoring systems at any one time on such covered location.
17 Such systems may be stationary or mobile and may be activated at
18 locations on such covered location as determined by such chair. Covered
19 agencies and covered authorities may enter into a memorandum of under-
20 standing with the triborough bridge and tunnel authority for the
21 purposes of coordinating the planning, design, installation,
22 construction and maintenance of such weigh in motion demonstration
23 program. Such memorandum shall address, for purposes of such demon-
24 stration program, the use of systems, devices and other facilities owned
25 and operated by such other covered agencies and covered authorities.

26 (ii) The covered location subject to a demonstration program estab-
27 lished by the chair of the triborough bridge and tunnel authority pursu-
28 ant to this section shall mean the Robert F. Kennedy bridge.

29 1-b. (i) Notwithstanding any other provision of law, after holding a
30 public hearing in accordance with the public officers law and subsequent
31 approval of the establishment of a demonstration program in accordance
32 with this section by a majority of the members of the entire board of
33 the bridge authority, the chair of the bridge authority is hereby
34 authorized to establish a weigh in motion demonstration program on the
35 covered locations set forth in subparagraph (ii) of this paragraph
36 imposing monetary liability on the owner of a vehicle for failure of an
37 operator thereof to comply with gross vehicle weight and/or axle weight
38 restrictions on such covered locations in accordance with the provisions
39 of this section. Such demonstration program shall empower the chair of
40 the bridge authority to install and operate up to two weigh in motion
41 violation monitoring systems at any one time on each such covered
42 location. Such systems may be stationary or mobile and may be activated
43 at locations on such covered locations as determined by such chair.
44 Covered agencies and covered authorities may enter into a memorandum of
45 understanding with the bridge authority for the purposes of coordinating
46 the planning, design, installation, construction and maintenance of such
47 weigh in motion demonstration program. Such memorandum shall address,
48 for purposes of such demonstration program, the use of systems, devices
49 and other facilities owned and operated by such other covered agencies
50 and covered authorities.

51 (ii) Covered locations subject to a demonstration program established
52 by the chair of the bridge authority pursuant to this section shall mean
53 the Bear Mountain bridge, the Newburgh Beacon bridge and the Mid-Hudson
54 bridge.

55 1-c. (i) Notwithstanding any other provision of law, after holding a
56 public hearing in accordance with the public officers law and subsequent

1 approval of the establishment of a demonstration program in accordance
2 with this section by a majority of the members of the entire board of
3 the port authority of New York and New Jersey, the chair of the port
4 authority of New York and New Jersey is hereby authorized to establish a
5 weigh in motion demonstration program on the covered location set forth
6 in subparagraph (ii) of this paragraph imposing monetary liability on
7 the owner of a vehicle for failure of an operator thereof to comply with
8 gross vehicle weight and/or axle weight restrictions on such covered
9 location in accordance with the provisions of this section. Such demon-
10 stration program shall empower the chair of the port authority of New
11 York and New Jersey to install and operate up to two weigh in motion
12 violation monitoring systems at any one time on such covered location.
13 Such systems may be stationary or mobile and may be activated at
14 locations on such covered location as determined by such chair. Covered
15 agencies and covered authorities may enter into a memorandum of under-
16 standing with the port authority of New York and New Jersey for the
17 purposes of coordinating the planning, design, installation,
18 construction and maintenance of such weigh in motion demonstration
19 program. Such memorandum shall address, for purposes of such demon-
20 stration program, the use of systems, devices and other facilities owned
21 and operated by such other covered agencies and covered authorities.

22 (ii) The covered location subject to a demonstration program estab-
23 lished by the chair of the port authority of New York and New Jersey
24 pursuant to this section shall mean the George Washington bridge.

25 1-d. (i) Notwithstanding any other provision of law, after holding a
26 public hearing in accordance with the public officers law and subsequent
27 approval of the establishment of a demonstration program in accordance
28 with this section by a majority of the members of the entire board of
29 the thruway authority, the chair of the thruway authority is hereby
30 authorized to establish a weigh in motion demonstration program on the
31 covered location set forth in subparagraph (ii) of this paragraph impos-
32 ing monetary liability on the owner of a vehicle for failure of an oper-
33 ator thereof to comply with gross vehicle weight and/or axle weight
34 restrictions on such covered location in accordance with the provisions
35 of this section. Such demonstration program shall empower the chair of
36 the thruway authority to install and operate up to two weigh in motion
37 violation monitoring systems at any one time on such covered location.
38 Such systems may be stationary or mobile and may be activated at
39 locations on such covered location as determined by such chair.

40 (ii) The covered location subject to a demonstration program estab-
41 lished by the chair of the thruway authority pursuant to this section
42 shall mean a location on the thruway at thruway interchange 34-A east of
43 the city of Syracuse.

44 1-e. A covered location as defined by this subdivision consisting of a
45 bridge shall include a distance not to exceed two thousand six hundred
46 forty feet along the length of the existing highway between the bridge
47 head of the respective bridge, in either direction, and the nearest
48 paved level surface of such highway where a weigh in motion violation
49 monitoring system can be installed in accordance with an engineering
50 analysis, except for the west end of the Mid-Hudson Bridge where such
51 distance shall not exceed five thousand two hundred eighty feet.

52 2. No weigh in motion violation monitoring system shall be used unless
53 (i) on the day it is to be used it has undergone a self-test for the
54 operation of such system; and (ii) it has undergone a semi-annual cali-
55 bration check performed pursuant to paragraph three of this subdivision.
56 A result of the daily self-test for each such system shall include the

1 date and time that the self-test was successfully performed. [~~The city~~
2 ~~of New York~~] Each covered agency and covered authority shall retain each
3 such daily self-test until the later of the date on which the weigh in
4 motion system to which it applies has been permanently removed from use
5 or the final resolution of all cases involving notices of liability
6 issued based on photographs, microphotographs, video or other recorded
7 images, and information and data generated in conjunction therewith,
8 produced by such system.

9 3. Each weigh in motion violation monitoring system shall undergo a
10 calibration check every six months in accordance with specifications
11 prescribed pursuant to a memorandum of agreement between the [~~New York~~
12 ~~city department of transportation~~] applicable covered agency or covered
13 authority and the New York state department of agriculture and markets,
14 or in accordance with an applicable reference standard as determined by
15 the [~~New York city department of transportation~~] applicable covered
16 agency or covered authority. Such calibration check shall be performed
17 by an independent calibration laboratory which shall issue a signed
18 certificate of calibration on its letterhead to the [~~city of New York~~]
19 applicable covered agency or covered authority. Nothing contained in
20 this paragraph shall be deemed to require the signature of a notary
21 public on such certificate. [~~The city~~] Covered agencies and covered
22 authorities shall retain each such bi-annual certificate of calibration
23 on file until the final resolution of all cases involving notices of
24 liability issued during such six-month time period which were based on
25 photographs, microphotographs, video or other recorded images, and
26 information and data generated in conjunction therewith, produced by
27 such weigh in motion violation monitoring system.

28 4. [~~The New York city department of transportation~~] Each covered agen-
29 cy and covered authority shall establish a range, according to the
30 manufacturer's standards and its monitoring of the system, for evaluat-
31 ing information and data collected from sensor readings of each weigh in
32 motion violation monitoring system of such covered agency and covered
33 authority. Each such system shall be set to automatically alert such
34 [~~department~~] covered agency or covered authority of significant vari-
35 ations from the established range during a twenty-four-hour period.
36 After such an alert, such system shall be inspected and any necessary
37 adjustments shall be made. Such [~~department~~] covered agency or covered
38 authority shall keep a log of the details of all alerts, including the
39 date and time of such alert, the amount of variation from the estab-
40 lished range in such alert, the adjustments made or actions taken as a
41 result of the subsequent inspection, and the date and time of such
42 inspection, adjustments or actions.

43 5. Weigh in motion violation monitoring systems used in accordance
44 with the weigh in motion demonstration program authorized pursuant to
45 this section shall be operated only on [~~interstate route 278 within~~
46 ~~Kings county~~] covered locations.

47 6. (i) No photograph, microphotograph, videotape or other recorded
48 image, nor any information and data generated in conjunction therewith,
49 shall be used for any purpose other than as specified in this section,
50 except as may be otherwise provided by this paragraph.

51 (ii) Such demonstration program shall utilize necessary technologies
52 to ensure, to the extent practicable, that photographs, microphoto-
53 graphs, videotape or other recorded images produced by such weigh in
54 motion violation monitoring systems shall not include images that iden-
55 tify the driver, the passengers, or the contents of the vehicle.
56 Provided, however, that no notice of liability issued pursuant to this

1 section shall be dismissed solely because such a photograph, microphoto-
2 graph, videotape or other recorded image allows for the identification
3 of the driver, the passengers, or the contents of vehicles where the
4 ~~[city]~~ applicable covered agency or covered authority shows that it made
5 reasonable efforts to comply with the provisions of this paragraph in
6 such case.

7 (iii) Photographs, microphotographs, videotape or any other recorded
8 image, and any information and data generated in conjunction therewith,
9 produced by a weigh in motion violation monitoring system shall be for
10 the exclusive use of the ~~[city]~~ applicable covered agency or covered
11 authority for the purpose of the adjudication of liability imposed
12 pursuant to this section, and of the owner receiving a notice of liabil-
13 ity pursuant to this section, and as required by the ~~[New York city~~
14 ~~department of transportation]~~ covered agency or covered authority to
15 study the impact of overweight vehicles on ~~[interstate route 278 in~~
16 ~~Kings county]~~ its covered locations and management of such ~~[infrastructure]~~
17 covered locations, and shall be destroyed by the ~~[city]~~ applicable
18 covered agency or covered authority upon the final resolution of the
19 notice of liability to which such photographs, microphotographs, vide-
20 otape or other recorded images and information and data generated in
21 conjunction therewith relate, or one year following the date of issuance
22 of such notice of liability, whichever is later. Notwithstanding the
23 provisions of any other law, rule or regulation to the contrary, photo-
24 graphs, microphotographs, videotape or any other recorded image, and
25 information and data generated in conjunction therewith, from a weigh in
26 motion violation monitoring system shall not be open to the public, nor
27 subject to civil or criminal process or discovery, nor used by any court
28 or administrative or adjudicatory body in any action or proceeding ther-
29 ein except that which is necessary for the adjudication of a notice of
30 liability issued pursuant to this section, and no public entity or
31 employee, officer or agent thereof shall disclose such information,
32 except that such photographs, microphotographs, videotape or any other
33 recorded images, and information and data generated in conjunction ther-
34 ewith, from such systems:

35 (A) shall be available for inspection and copying and use by the motor
36 vehicle owner and operator for so long as such photographs, microphoto-
37 graphs, videotape or other recorded images, information and data are
38 required to be maintained or are maintained by such public entity,
39 employee, officer or agent; and

40 (B) (1) shall be furnished when described in a search warrant issued
41 by a court authorized to issue such a search warrant pursuant to article
42 six hundred ninety of the criminal procedure law or a federal court
43 authorized to issue such a search warrant under federal law, where such
44 search warrant states that there is reasonable cause to believe such
45 information constitutes evidence of, or tends to demonstrate that, a
46 misdemeanor or felony offense was committed in this state or another
47 state, or that a particular person participated in the commission of a
48 misdemeanor or felony offense in this state or another state, provided,
49 however, that if such offense was against the laws of another state, the
50 court shall only issue a warrant if the conduct comprising such offense
51 would, if occurring in this state, constitute a misdemeanor or felony
52 against the laws of this state; and

53 (2) shall be furnished in response to a subpoena duces tecum signed by
54 a judge of competent jurisdiction and issued pursuant to article six
55 hundred ten of the criminal procedure law or a judge or magistrate of a
56 federal court authorized to issue such a subpoena duces tecum under

1 federal law, where the judge finds and the subpoena states that there is
2 reasonable cause to believe such information is relevant and material to
3 the prosecution, or the defense, or the investigation by an authorized
4 law enforcement official, of the alleged commission of a misdemeanor or
5 felony in this state or another state, provided, however, that if such
6 offense was against the laws of another state, such judge or magistrate
7 shall only issue such subpoena if the conduct comprising such offense
8 would, if occurring in this state, constitute a misdemeanor or felony in
9 this state; and

10 (3) may, if lawfully obtained pursuant to this clause and clause (A)
11 of this subparagraph and otherwise admissible, be used in such criminal
12 action or proceeding.

13 (iv) The ~~[city of New York]~~ applicable covered agency or covered
14 authority shall install signs in advance of entry points to ~~[interstate~~
15 ~~route 278 in Kings county]~~ each of its covered locations giving notice
16 to approaching motor vehicle operators that weigh in motion violation
17 monitoring systems are in use to enforce motor vehicle weight
18 restrictions.

19 (v) ~~[The city of New York]~~ Each covered agency and covered authority
20 shall use oversight procedures to ensure compliance with the aforemen-
21 tioned privacy protection measures.

22 (b) If ~~[the city of New York]~~ a covered agency or covered authority
23 establishes a demonstration program pursuant to subdivision (a) of this
24 section, the owner of a vehicle shall be liable for a penalty imposed
25 pursuant to this section if such vehicle was used or operated with the
26 permission of the owner, express or implied, on ~~[interstate route 278 in~~
27 ~~Kings county]~~ a covered location in violation of section three hundred
28 eighty-five of this article and the rules of the ~~[department of trans-~~
29 ~~portation of the city of New York]~~ applicable covered agency or covered
30 authority in relation to gross vehicle weight and/or axle weight, where
31 such vehicle was traveling ten percent or more above the gross vehicle
32 weight or twenty percent or more above the axle weight at the time of
33 such violation as indicated by at least two independently detected gross
34 vehicle weight and/or axle weight measurements obtained by a weigh in
35 motion violation monitoring system, and such violation is evidenced by
36 information obtained from a weigh in motion violation monitoring system;
37 provided however that no owner of a vehicle shall be liable for a penal-
38 ty imposed pursuant to this section where the operator of such vehicle:
39 has been convicted of the underlying violation of section three hundred
40 eighty-five of this article and the rules of the ~~[department of trans-~~
41 ~~portation of the city of New York]~~ applicable covered agency or covered
42 authority in relation to gross vehicle weight and/or axle weight; or
43 operated such vehicle in accordance with the terms and conditions of any
44 overweight permit issued in accordance with this chapter and any rules
45 and regulations promulgated thereto. Where a vehicle is in violation of
46 both gross vehicle weight restrictions and axle weight restrictions, the
47 owner shall be liable for a separate penalty for each such violation.

48 (c) For purposes of this section, the following terms shall have the
49 following meanings:

50 1. ~~["manual on uniform traffic control devices" or "MUTCD" shall mean~~
51 ~~the manual and specifications for a uniform system of traffic control~~
52 ~~devices maintained by the commissioner of transportation pursuant to~~
53 ~~section sixteen hundred eighty of this chapter;~~

54 2-] "bridge authority" shall mean the New York state bridge authority
55 created pursuant to section five hundred twenty-seven of the public
56 authorities law;

2. "chair" shall mean the chair of the thruway authority, the chair of the bridge authority, the chair of the port authority of New York and New Jersey, or the president of the triborough bridge and tunnel authority, as applicable;

3. "covered agency" shall mean the city of New York;

4. "covered authority" shall mean the bridge authority, the thruway authority, the triborough bridge and tunnel authority, and the port authority of New York and New Jersey;

5. "owner" shall have the meaning provided in article two-B of this chapter;

~~3-~~ 6. "port authority of New York and New Jersey" shall mean that body corporate and politic created pursuant to article three of chapter one hundred fifty-four of the laws of nineteen hundred twenty-one, and designated as "The Port Authority of New York and New Jersey" by such chapter;

7. "thruway authority" shall mean the New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two of the public authorities law;

8. "triborough bridge and tunnel authority" shall mean the corporation organized pursuant to section five hundred fifty-two of the public authorities law;

9. "thruway" shall mean generally a divided highway under the jurisdiction of the thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections;

10. "weigh in motion violation monitoring system" shall mean sensors, capable of operating independently of an enforcement officer, installed to work in conjunction with other devices to capture and record the gross vehicle weight and the axle weight of a motor vehicle, which produce at least two independently detected gross vehicle weight and/or axle weight measurements and automatically produce two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of section three hundred eighty-five of this article and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority in relation to gross vehicle weight and/or axle weight, in accordance with the provisions of this section; ~~and~~

~~4-~~ 11. "weigh in motion demonstration program" shall mean the demonstration program authorized by this section that operates exclusively on ~~[interstate route 278 in Kings county-]~~ covered locations;

~~5-~~ 12. "interstate route 278 in Kings county" shall mean that portion of interstate route 278 specifically from the vicinity of Atlantic avenue to the vicinity of Sands street in Kings county, state of New York~~[-]~~; and

~~6-~~ 13. "Rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority" shall mean rules and regulations in relation to gross vehicle weight and/or axle weight of the following, as applicable: the New York city department of transportation adopted pursuant to section sixteen hundred forty-two of this chapter; the thruway authority adopted pursuant to sections three hundred eighty-five and sixteen hundred thirty of this chapter; the triborough bridge and tunnel authority and the bridge authority adopted pursuant to section sixteen hundred thirty of this chapter; and the port authority of New York and New Jersey adopted pursuant to article six of

chapter one hundred fifty-four of the laws of nineteen hundred twenty-one and chapter forty-three of the laws of nineteen hundred twenty-two.

(d) A certificate, sworn to or affirmed by a technician employed by the ~~[city of New York]~~ applicable covered agency or covered authority, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images, and information and data generated in conjunction therewith, produced by a weigh in motion violation monitoring system, shall be prima facie evidence of the facts contained therein. Nothing contained in this subdivision shall be deemed to require the signature of a notary public on such certificate. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include an image of the motor vehicle alleged to be in violation and the information and data generated in conjunction therewith and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of section three hundred eighty-five of this article and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority in relation to gross vehicle weight and/or axle weight pursuant to a weigh in motion demonstration program established pursuant to this section shall be liable for monetary penalties ~~[in accordance with separate schedules of fines and penalties to be promulgated by the parking violations bureau of the city of New York for a violation of section three hundred eighty-five of this article and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight. The liability of the owner pursuant to this section shall]~~ not to exceed one thousand two hundred dollars for each violation; provided, however, that ~~[such parking violations bureau may provide for]~~ an additional penalty not in excess of twenty-five dollars for each violation may be imposed for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under the weigh in motion demonstration program established pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of section three hundred eighty-five of this article and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority in relation to gross vehicle weight and/or axle weight pursuant to this section, within fourteen business days if such owner is a resident of this state and within forty-five business days if such owner is a non-resident. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of section three hundred eighty-five of this article and the rules of the ~~[department of transportation of the city of New York]~~ applicable covered agency or covered authority in relation to gross vehicle weight and/or axle weight pursuant to this section, the United States department of transportation number of the vehicle involved in such violation, the registration

1 number of the vehicle involved in such violation, the gross vehicle
2 weight and/or axle weight measured, the location where such violation
3 took place, the date and time of such violation, the identification
4 number of the weigh in motion violation monitoring system which recorded
5 the violation or other document locator number, one or more date and
6 time stamped images identifying the motor vehicle and the information
7 and data evidencing the alleged violation, and the certificate charging
8 the liability.

9 3. The notice of liability shall contain information advising the
10 person charged of the manner and the time in which they may contest the
11 liability alleged in the notice. Such notice of liability shall also
12 contain a prominent warning to advise the person charged that failure to
13 contest in the manner and time provided shall be deemed an admission of
14 liability and that a default judgment may be entered thereon.

15 4. The notice of liability shall be prepared and mailed by the [~~city~~
16 ~~of New York~~] applicable covered agency or covered authority, or by any
17 other entity authorized by the [~~city~~] applicable covered agency or
18 covered authority to prepare and mail such notice of liability.

19 (h) Adjudication of the liability imposed upon owners [~~of~~] by this
20 section shall be by a traffic violations bureau established pursuant to
21 section three hundred seventy of the general municipal law where the
22 violation occurred or, if there be none, by the court having jurisdic-
23 tion over traffic infractions where the violation occurred, except that
24 if a city has established an administrative tribunal to hear and deter-
25 mine complaints of traffic infractions constituting parking, standing or
26 stopping violations such city may, by local law, authorize such adjudi-
27 cation by such tribunal. Provided, however, that a notice of liability
28 imposed upon owners by this section where the violation occurred on a
29 covered location located within a city with a population of one million
30 or more shall be adjudicated by the New York city parking violations
31 bureau.

32 (i) If an owner receives a notice of liability pursuant to this
33 section for any time period during which the vehicle or the number plate
34 or plates of such vehicle was reported to the police department as
35 having been stolen, it shall be a valid defense to an allegation of
36 liability for a violation of section three hundred eighty-five of this
37 article and the rules of the [~~department of transportation of the city~~
38 ~~of New York~~] applicable covered agency or covered authority in relation
39 to gross vehicle weight and/or axle weight pursuant to this section that
40 the vehicle or the number plate or plates of such vehicle had been
41 reported to the police as stolen prior to the time the violation
42 occurred and had not been recovered by such time. For purposes of
43 asserting the defense provided by this subdivision, it shall be suffi-
44 cient that a certified copy of the police report on the stolen vehicle
45 or number plate or plates of such vehicle be sent by first class mail to
46 the [~~New York city~~] applicable covered agency or covered authority, or
47 the traffic violations bureau, court having jurisdiction or parking
48 violations bureau. Nothing contained in this subdivision shall be deemed
49 to prohibit an owner which submits a police report pursuant to this
50 subdivision to the applicable covered agency or covered authority from
51 later submitting such report to the traffic violations bureau, court
52 having jurisdiction or parking violations bureau as provided by this
53 subdivision.

54 (j) 1. [~~An~~] Where the adjudication of liability imposed upon owners
55 pursuant to this section is by a traffic violations bureau or a court
56 having jurisdiction, an owner who is a lessor of a vehicle to which a

1 notice of liability was issued pursuant to subdivision (g) of this
2 section shall not be liable for the violation of section three hundred
3 eighty-five of this article and the rules of the applicable covered
4 agency or covered authority in relation to gross vehicle weight and/or
5 axle weight pursuant to this section, provided that such owner sends to
6 the applicable covered agency or covered authority, or to the traffic
7 violations bureau or court having jurisdiction a copy of the rental,
8 lease or other such contract document covering such vehicle on the date
9 of the violation, with the name and address of the lessee clearly legi-
10 ble, within thirty-seven days after receiving notice from the bureau or
11 court of the date and time of such violation, together with the other
12 information contained in the original notice of liability. Failure to
13 send such information within such thirty-seven day time period shall
14 render the owner liable for the penalty prescribed by this section.
15 Where the lessor complies with the provisions of this paragraph, the
16 lessee of such vehicle on the date of such violation shall be deemed to
17 be the owner of such vehicle for purposes of this section, shall be
18 subject to liability for the violation of section three hundred eighty-
19 five of this article and the rules of the applicable covered agency or
20 covered authority in relation to gross vehicle weight and/or axle weight
21 pursuant to this section and shall be sent a notice of liability pursu-
22 ant to subdivision (g) of this section. Nothing contained in this para-
23 graph shall be deemed to prohibit a lessor which submits information
24 pursuant to this paragraph to the applicable covered agency or covered
25 authority from later submitting such information to the traffic
26 violations bureau or court having jurisdiction as provided by this para-
27 graph.

28 2. In a city which, by local law, has authorized the adjudication of
29 liability imposed upon owners by this section by a parking violations
30 bureau and in a city with a population of one million or more, an owner
31 who is a lessor of a vehicle to which a notice of liability was issued
32 pursuant to subdivision (g) of this section shall not be liable for the
33 violation of section three hundred eighty-five of this article and the
34 rules of the [~~department of transportation of the city of New York~~]
35 applicable covered agency or covered authority in relation to gross
36 vehicle weight and/or axle weight pursuant to this section, provided
37 that:

38 (i) prior to the violation, the lessor has filed with [~~such parking~~
39 ~~violations~~] the bureau in accordance with the provisions of section two
40 hundred thirty-nine of this chapter; and

41 (ii) (A) within thirty-seven days after receiving notice from such
42 bureau of the date and time of a liability, together with the other
43 information contained in the original notice of liability, the lessor
44 submits to such bureau the correct name and address of the lessee of the
45 vehicle identified in the notice of liability at the time of such
46 violation, together with such other additional information contained in
47 the rental, lease or other contract document, as may be reasonably
48 required by such bureau pursuant to regulations that may be promulgated
49 for such purpose; or

50 (B) no later than the time period prescribed by clause (A) of this
51 subparagraph, the lessor submits to the applicable covered agency or
52 covered authority a copy of the rental, lease or other such contract
53 document covering such vehicle on the date of the violation, with the
54 name and address of the lessee clearly legible. Nothing contained in
55 this clause shall be deemed to prohibit a lessor which submits informa-
56 tion pursuant to this clause to the applicable covered agency or

1 covered authority from later submitting such information to the bureau
2 as provided by clause (A) of this subparagraph.

3 ~~[2-]~~ 3. Failure to comply with subparagraph (ii) of paragraph ~~[one]~~
4 two of this subdivision shall render the owner liable for the penalty
5 prescribed in this section.

6 ~~[3-]~~ 4. Where the lessor complies with the provisions of paragraph
7 ~~[one]~~ two of this subdivision, the lessee of such vehicle on the date of
8 such violation shall be deemed to be the owner of such vehicle for
9 purposes of this section, shall be subject to liability for such
10 violation pursuant to this section and shall be sent a notice of liabil-
11 ity pursuant to subdivision (g) of this section.

12 (k) 1. If the owner liable for a violation of section three hundred
13 eighty-five of this article and the rules of the ~~[department of trans-~~
14 ~~portation of the city of New York]~~ applicable covered agency or covered
15 authority in relation to gross vehicle weight and/or axle weight pursu-
16 ant to this section was not the operator of the vehicle at the time of
17 the violation, the owner may maintain an action for indemnification
18 against the operator.

19 2. Notwithstanding any other provision of this section, no owner of a
20 vehicle shall be subject to a monetary fine imposed pursuant to this
21 section if the operator of such vehicle was operating such vehicle with-
22 out the consent of the owner at the time such operator operated such
23 vehicle in violation of section three hundred eighty-five of this arti-
24 cle and the rules of the ~~[department of transportation of the city of~~
25 ~~New York]~~ applicable covered agency or covered authority in relation to
26 gross vehicle weight and/or axle weight. For purposes of this subdivi-
27 sion there shall be a presumption that the operator of such vehicle was
28 operating such vehicle with the consent of the owner at the time such
29 operator operated such vehicle in violation of section three hundred
30 eighty-five of this article and the rules of the ~~[department of trans-~~
31 ~~portation of the city of New York]~~ applicable covered agency or covered
32 authority in relation to gross vehicle weight and/or axle weight.

33 (l) Nothing in this section shall be construed to limit the liability
34 of an operator of a vehicle for any violation of section three hundred
35 eighty-five of this article and the rules of the ~~[department of trans-~~
36 ~~portation of the city of New York]~~ applicable covered agency or covered
37 authority in relation to gross vehicle weight and/or axle weight.

38 (m) If ~~[the city]~~ a covered agency or covered authority adopts a
39 demonstration program pursuant to subdivision (a) of this section it
40 shall conduct a study and submit ~~[an annual]~~ a report on the results of
41 the use of weigh in motion violation monitoring systems to the governor,
42 the temporary president of the senate and the speaker of the assembly on
43 or before June first, two thousand ~~[twenty-two]~~ twenty-six and on the
44 same date ~~[in each succeeding year]~~ every two years thereafter in which
45 the demonstration program is operable. Such ~~[city]~~ covered agency or
46 covered authority shall also post such annual report on ~~[the New York~~
47 ~~city department of transportation]~~ its website. Such report shall
48 include:

49 1. the locations where and dates when weigh in motion violation moni-
50 toring systems were used;

51 2. the total number of trucks weighed and the total number of
52 violations recorded by weigh in motion violation monitoring systems in
53 accordance with this section in the aggregate on a daily, weekly and
54 monthly basis;

55 3. the total number of violations recorded by weigh in motion
56 violation monitoring systems that were either ten percent or more above

1 the gross vehicle weight or twenty percent or more above the axle
2 weight;

3 4. the total number of notices of liability issued for violations
4 recorded by such weigh in motion systems;

5 5. the number of fines and total amount of fines paid after the first
6 notice of liability issued for violations recorded by weigh in motion
7 systems;

8 6. the number of violations adjudicated and the results of such adju-
9 dications including breakdowns of dispositions made for violations
10 recorded by weigh in motion systems;

11 7. the total amount of revenue realized by the [~~city of New York~~]
12 applicable covered agency or covered authority in connection with the
13 program;

14 8. the expenses incurred by the [~~city of New York~~] applicable covered
15 agency or covered authority in connection with the program;

16 9. the quality of the adjudication process and its results; and

17 10. the total capital amount spent on repair, reconstruction, and/or
18 maintenance on each applicable covered location, including, for the city
19 of New York, the total capital amount spent on repair or reconstruction
20 of interstate route 278 in Kings county and the total capital amount
21 spent on repair or reconstruction of interstate route 278 specifically
22 from the vicinity of Atlantic avenue to the vicinity of Sands street in
23 Kings county.

24 (n) It shall be a defense to any prosecution for a violation of
25 section three hundred eighty-five of this article and the rules of the
26 [~~department of transportation of the city of New York~~] applicable
27 covered agency or covered authority in relation to gross vehicle weight
28 and/or axle weight pursuant to this section that such weigh in motion
29 violation monitoring system was malfunctioning at the time of the
30 alleged violation.

31 (o) It shall be a defense to any prosecution for a violation of
32 section three hundred eighty-five of this article and the rules of the
33 applicable covered agency or covered authority in relation to gross
34 vehicle weight and/or axle weight pursuant to this section that:

35 1. the operator of the motor vehicle alleged to be in violation oper-
36 ated such vehicle in accordance with the terms and conditions of any
37 overweight permit issued in accordance with this chapter and any rules
38 and regulations promulgated thereto; or

39 2. the owner of the motor vehicle alleged to be in violation has
40 received notices of liability for no less than two other violations of
41 section three hundred eighty-five of this article and the rules of the
42 applicable covered agency or covered authority in relation to gross
43 vehicle weight and/or axle weight pursuant to this section for the same
44 motor vehicle occurring within the same twenty-four hour period as such
45 violation, and has been found liable for such other violations and paid
46 all applicable fines and penalties for such other violations.

47 § 12. Section 1803 of the vehicle and traffic law is amended by adding
48 four new subdivisions 14, 15, 16 and 17 to read as follows:

49 14. Where the chair of the triborough bridge and tunnel authority has
50 established a demonstration program imposing monetary liability on the
51 owner of a vehicle for failure of an operator thereof to comply with
52 section three hundred eighty-five of this chapter and the rules of the
53 triborough bridge and tunnel authority in relation to gross vehicle
54 weight and/or axle weight in accordance with section three hundred
55 eighty-five-a of this chapter, any fine or penalty collected by the
56 parking violations bureau of the city of New York for an imposition of

1 liability which occurs pursuant to such program shall be paid to the
2 state comptroller within the first ten days of the month following
3 collection, except as otherwise provided in subdivision three of section
4 ninety-nine-a of the state finance law. Every such payment shall be
5 accompanied by a statement in such form and detail as the comptroller
6 shall provide. Notwithstanding the provisions of subdivision five of
7 this section, eighty percent of any such fine or penalty imposed for
8 such liability shall be paid to the triborough bridge and tunnel author-
9 ity, and twenty percent of any such fine or penalty shall be paid to the
10 city of New York. With respect to the percentage of fines or penalties
11 paid to the triborough bridge and tunnel authority, one hundred percent
12 shall be dedicated to capital projects related to triborough bridge and
13 tunnel authority bridges and tunnels after deducting the expenses neces-
14 sary to administer such demonstration program, provided, however, that
15 such funds provided pursuant to this subdivision shall be payable on the
16 audit and warrant of the comptroller. For the purposes of this subdivi-
17 sion, the term "triborough bridge and tunnel authority" shall mean the
18 corporation organized pursuant to section five hundred fifty-two of the
19 public authorities law, the term "chair" shall mean the president of the
20 triborough bridge and tunnel authority, and the term "covered location"
21 shall have the same meaning as such term is defined by subparagraph (ii)
22 of paragraph one-a of subdivision (a) of section three hundred eighty-
23 five-a of this chapter. All fines, penalties and forfeitures paid to the
24 city of New York pursuant to the provisions of this subdivision shall be
25 credited to the general fund of such city, unless a different disposi-
26 tion is prescribed by charter, special law, local law or ordinance.

27 15. Where the chair of the bridge authority has established a demon-
28 stration program imposing monetary liability on the owner of a vehicle
29 for failure of an operator thereof to comply with section three hundred
30 eighty-five of this chapter and the rules of the bridge authority in
31 relation to gross vehicle weight and/or axle weight in accordance with
32 section three hundred eighty-five-a of this chapter, any fine or penalty
33 collected by a court, judge, magistrate or other officer for an imposi-
34 tion of liability which occurs pursuant to such program shall be paid to
35 the state comptroller within the first ten days of the month following
36 collection, except as otherwise provided in subdivision three of section
37 ninety-nine-a of the state finance law. Every such payment shall be
38 accompanied by a statement in such form and detail as the comptroller
39 shall provide. Notwithstanding the provisions of subdivision five of
40 this section, eighty percent of any such fine or penalty imposed for
41 such liability shall be paid to the bridge authority, and twenty percent
42 of any such fine or penalty shall be paid to the city, town or village
43 in which the violation giving rise to the liability occurred. With
44 respect to the percentage of fines or penalties paid to the bridge
45 authority, one hundred percent shall be dedicated to capital projects
46 related to bridge authority bridges after deducting the expenses neces-
47 sary to administer such demonstration program, provided, however, that
48 such funds provided pursuant to this subdivision shall be payable on the
49 audit and warrant of the comptroller. For the purposes of this subdivi-
50 sion, the term "bridge authority" shall mean the New York state bridge
51 authority created pursuant to section five hundred twenty-seven of the
52 public authorities law and the term "covered location" shall have the
53 same meaning as such term is defined by subparagraph (ii) of paragraph
54 one-b of subdivision (a) of section three hundred eighty-five-a of this
55 chapter. All fines, penalties and forfeitures paid to a city, town or
56 village pursuant to the provisions of this subdivision shall be credited

1 to the general fund of such city, town or village, unless a different
2 disposition is prescribed by charter, special law, local law or ordi-
3 nance.

4 16. Where the chair of the port authority of New York and New Jersey
5 has established a demonstration program imposing monetary liability on
6 the owner of a vehicle for failure of an operator thereof to comply with
7 section three hundred eighty-five of this chapter and the rules of the
8 port authority in relation to gross vehicle weight and/or axle weight in
9 accordance with section three hundred eighty-five-a of this chapter, any
10 fine or penalty collected by the parking violations bureau of the city
11 of New York for an imposition of liability which occurs pursuant to such
12 program shall be paid to the state comptroller within the first ten days
13 of the month following collection, except as otherwise provided in
14 subdivision three of section ninety-nine-a of the state finance law.
15 Every such payment shall be accompanied by a statement in such form and
16 detail as the comptroller shall provide. Notwithstanding the provisions
17 of subdivision five of this section, eighty percent of any such fine or
18 penalty imposed for such liability shall be paid to the port authority,
19 and twenty percent of any such fine or penalty shall be paid to the city
20 of New York where the violation giving rise to the liability occurred.
21 With respect to the percentage of fines or penalties paid to the port
22 authority, one hundred percent shall be dedicated to capital projects
23 related to port authority bridges after deducting the expenses necessary
24 to administer such demonstration program, provided, however, that such
25 funds provided pursuant to this subdivision shall be payable on the
26 audit and warrant of the comptroller. For the purposes of this subdivi-
27 sion, the term "port authority" shall mean the port authority of New
28 York and New Jersey, that body corporate and politic created pursuant to
29 article three of chapter one hundred fifty-four of the laws of nineteen
30 hundred twenty-one, and designated as "The Port Authority of New York
31 and New Jersey" by such chapter and the term "covered location" shall
32 have the same meaning as such term is defined by subparagraph (ii) of
33 paragraph one-c of subdivision (a) of section three hundred
34 eighty-five-a of this chapter. All fines, penalties and forfeitures paid
35 to the city of New York pursuant to the provisions of this subdivision
36 shall be credited to the general fund of such city, unless a different
37 disposition is prescribed by charter, special law, local law or ordi-
38 nance.

39 17. Where the chair of the New York state thruway authority has estab-
40 lished a demonstration program imposing monetary liability on the owner
41 of a vehicle for failure of an operator thereof to comply with section
42 three hundred eighty-five of this chapter and the rules of the thruway
43 authority in relation to gross vehicle weight and/or axle weight in
44 accordance with section three hundred eighty-five-a of this chapter, any
45 fine or penalty collected by a court, judge, magistrate or other officer
46 for an imposition of liability which occurs pursuant to such program
47 shall be paid to the state comptroller within the first ten days of the
48 month following collection, except as otherwise provided in subdivision
49 three of section ninety-nine-a of the state finance law. Every such
50 payment shall be accompanied by a statement in such form and detail as
51 the comptroller shall provide. Notwithstanding the provisions of subdivi-
52 vision five of this section, eighty percent of any such fine or penalty
53 imposed for such liability shall be paid to the thruway authority, and
54 twenty percent of any such fine or penalty shall be paid to the city,
55 town or village in which the violation giving rise to the liability
56 occurred. With respect to the percentage of fines or penalties paid to

1 the thruway authority, one hundred percent shall be dedicated to capital
2 projects related to the thruway and thruway bridges after deducting the
3 expenses necessary to administer such demonstration program, provided,
4 however, that such funds provided pursuant to this subdivision shall be
5 payable on the audit and warrant of the comptroller. For the purposes
6 of this subdivision, the term "thruway authority" shall mean the New
7 York state thruway authority, a body corporate and politic constituting
8 a public corporation created and constituted pursuant to title nine of
9 article two of the public authorities law and the term "covered
10 location" shall have the same meaning as such term is defined by subpar-
11 agraph (ii) of paragraph one-d of subdivision (a) of section three
12 hundred eighty-five-a of this chapter and the term "thruway" shall mean
13 generally a divided highway under the jurisdiction of the thruway
14 authority for mixed traffic with access limited as the authority may
15 determine and generally with grade separations at intersections. All
16 finances, penalties and forfeitures paid to a city, town or village pursu-
17 ant to the provisions of this subdivision shall be credited to the
18 general fund of such city, town or village, unless a different disposi-
19 tion is prescribed by charter, special law, local law or ordinance.

20 § 13. Each covered agency and covered authority as such terms are
21 defined by article ten of the vehicle and traffic law shall: (i) prior
22 to implementing a weigh in motion demonstration program as authorized by
23 section 385-a of the vehicle and traffic law, as amended by section
24 eleven of this act, communicate to the public the plan for the use of
25 vehicle weigh in motion violation monitoring systems to enforce vehicle
26 weight restrictions so as to maximize awareness of such program; (ii)
27 during the first 90 day period in which weigh in motion violation moni-
28 toring systems are in operation at a covered location pursuant to the
29 provisions of this act send by first class mail a written warning in
30 lieu of a notice of liability to all owners of motor vehicles who would
31 be held liable for failure of operators thereof to comply with section
32 385 of the vehicle and traffic law and the rules of the applicable
33 covered agency or covered authority in relation to gross vehicle weight
34 and/or axle weight, together with notice of the weigh in motion demon-
35 stration program authorized by section 385-a of the vehicle and traffic
36 law; and (iii) take such measures as are necessary to implement such
37 program prior to its implementation, including promulgating any rules
38 and regulations necessary for the implementation of this act. For the
39 purposes of this section, the term "covered location" shall have the
40 same meaning as such term is defined by paragraphs one, one-a, one-b,
41 one-c, and one-d of subdivision (a) of section three hundred eighty-
42 five-a of the vehicle and traffic law.

43 § 14. Section 15 of chapter 773 of the laws of 2021, amending the
44 vehicle and traffic law and the public officers law relating to estab-
45 lishing a demonstration program on interstate route 278 in Kings county
46 to enforce vehicle weight restriction on such interstate by means of
47 mobile or stationary weigh in motion systems, is amended to read as
48 follows:

49 § 15. The purchase or lease of equipment by the city of New York for a
50 demonstration program pursuant to section 385-a of the vehicle and traf-
51 fic law shall be subject to the provisions of section 103 of the general
52 municipal law.

53 § 15. Section 16 of chapter 773 of the laws of 2021, amending the
54 vehicle and traffic law and the public officers law relating to estab-
55 lishing a demonstration program on interstate route 278 in Kings county
56 to enforce vehicle weight restriction on such interstate by means of

1 mobile or stationary weigh in motion systems, is amended to read as
2 follows:

3 § 16. This act shall take effect immediately; provided, however, that
4 sections twelve, thirteen, fourteen and fifteen shall expire and be
5 deemed repealed December 1, ~~[2025]~~ 2030 when upon such date the
6 provisions of such sections shall be deemed repealed; and provided
7 further, that notwithstanding the expiration and repeal of sections
8 twelve, thirteen, fourteen and fifteen of this act, any notices of
9 liability issued pursuant to the demonstration program authorized pursu-
10 ant to section 385-a of the vehicle and traffic law, as added by section
11 twelve of this act, prior to the expiration date of this act may be
12 adjudicated after such expiration date~~;~~ ~~and provided further, that:~~

13 ~~(a) the amendments to the opening paragraph and paragraph (c) of~~
14 ~~subdivision 1 of section 1809 of the vehicle and traffic law made by~~
15 ~~section eight of this act shall not affect the expiration of such~~
16 ~~section and shall be deemed to expire therewith, when upon such date the~~
17 ~~provisions of section eight-a of this act shall take effect;~~

18 ~~(b) the amendments to the opening paragraph and paragraph (c) of~~
19 ~~subdivision 1 of section 1809 of the vehicle and traffic law made by~~
20 ~~section eight-a of this act shall not affect the expiration of such~~
21 ~~section and shall be deemed to expire therewith, when upon such date the~~
22 ~~provisions of section eight-b of this act shall take effect;~~

23 ~~(c) the amendments to subdivision 1 of section 1809 of the vehicle and~~
24 ~~traffic law made by section eight-b of this act shall not affect the~~
25 ~~expiration of such section and shall be deemed to expire therewith, when~~
26 ~~upon such date the provisions of section eight-c of this act shall take~~
27 ~~effect;~~

28 ~~(d) the amendments to subdivision 1 of section 1809 of the vehicle and~~
29 ~~traffic law made by section eight-c of this act shall not affect the~~
30 ~~expiration of such section and shall be deemed to expire therewith, when~~
31 ~~upon such date the provisions of section eight-d of this act shall take~~
32 ~~effect;~~

33 ~~(e) the amendments to subdivision 1 of section 1809 of the vehicle and~~
34 ~~traffic law made by section eight-d of this act shall not affect the~~
35 ~~expiration of such section and shall be deemed to expire therewith, when~~
36 ~~upon such date the provisions of section eight-e of this act shall take~~
37 ~~effect;~~

38 ~~(f) the amendments to subdivision 1 of section 1809 of the vehicle and~~
39 ~~traffic law made by section eight-e of this act shall not affect the~~
40 ~~expiration of such section and shall be deemed to expire therewith, when~~
41 ~~upon such date the provisions of section eight-f of this act shall take~~
42 ~~effect;~~

43 ~~(g) the amendments to subdivision 1 of section 1809 of the vehicle and~~
44 ~~traffic law made by section eight-f of this act shall not affect the~~
45 ~~expiration of such section and shall be deemed to expire therewith, when~~
46 ~~upon such date the provisions of section eight-g of this act shall take~~
47 ~~effect; and~~

48 ~~(h) the amendments to subdivision 1 of section 1809 of the vehicle and~~
49 ~~traffic law made by section eight-g of this act shall not affect the~~
50 ~~expiration of such section and shall be deemed to expire therewith, when~~
51 ~~upon such date the provisions of section eight-h of this act shall take~~
52 ~~effect].~~

53 § 16. Sections 8, 8-a, 8-b, 8-c, 8-d, 8-e, 8-f, 8-g and 8-h of chapter
54 773 of the laws of 2021, amending the vehicle and traffic law relating
55 to establishing a demonstration program on interstate route 278 in Kings

1 county to enforce vehicle weight restriction on such interstate by means
2 of mobile or stationary weigh in motion systems, are REPEALED.

3 § 17. This act shall take effect immediately; provided, however, that
4 sections twelve and thirteen of this act shall expire and be deemed
5 repealed on the same date and in the same manner as sections 12, 13, 14
6 and 15 of chapter 773 of the laws of 2021, amending the vehicle and
7 traffic law and the public officers law relating to establishing a
8 demonstration program on interstate route 278 in Kings county to enforce
9 vehicle weight restriction on such interstate by means of mobile or
10 stationary weigh in motion systems, expire and are deemed repealed; and
11 provided further, however, that the amendments to section 385-a of the
12 vehicle and traffic law and section 15 of chapter 773 of the laws of
13 2021, amending the vehicle and traffic law and the public officers law
14 relating to establishing a demonstration program on interstate route 278
15 in Kings county to enforce vehicle weight restriction on such interstate
16 by means of mobile or stationary weigh in motion systems, made by
17 sections eleven and fourteen of this act shall not affect the expiration
18 and repeal of such sections and shall be deemed repealed therewith; and
19 provided further, however, that the port authority of New York and New
20 Jersey shall not be subject to the provisions of this act until the date
21 of enactment into law by the state of New Jersey of legislation having
22 an identical effect with this act, but if the state of New Jersey shall
23 have already enacted such legislation the provisions of this act shall
24 apply to the port authority of New York and New Jersey immediately.
25 Effective immediately, the addition, amendment and/or repeal of any rule
26 or regulation necessary for the implementation of this act on its effec-
27 tive date are authorized to be made and completed on or before such
28 effective date.

29 PART O

30 Intentionally Omitted

31 PART P

32 Intentionally Omitted

33 PART Q

34 Section 1. The section heading and paragraphs 1 and 2 of subdivision
35 (a) of section 1180-e of the vehicle and traffic law, as added by chap-
36 ter 421 of the laws of 2021, are amended to read as follows:

37 Owner liability for failure of operator to comply with certain posted
38 maximum speed limits; highway construction or maintenance work area.

39 1. Notwithstanding any other provision of law, the commissioner of
40 transportation is hereby authorized to establish a demonstration program
41 imposing monetary liability on the owner of a vehicle for failure of an
42 operator thereof to comply with posted maximum speed limits in a highway
43 construction or maintenance work area located on a controlled-access
44 highway (i) when highway construction or maintenance work is occurring
45 and a work area speed limit is in effect as provided in paragraph two of
46 subdivision (d) or subdivision (f) of section eleven hundred eighty of
47 this article or (ii) when highway construction or maintenance work is
48 occurring and other speed limits are in effect as provided in subdivi-

1 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
2 hundred eighty of this article. Such demonstration program shall empower
3 the commissioner to install photo speed violation monitoring systems
4 within no more than [~~twenty~~] forty highway construction or maintenance
5 work areas located on controlled-access highways and to operate such
6 systems within such work areas (iii) when highway construction or main-
7 tenance work is occurring and a work area speed limit is in effect as
8 provided in paragraph two of subdivision (d) or subdivision (f) of
9 section eleven hundred eighty of this article or (iv) when highway
10 construction or maintenance work is occurring and other speed limits are
11 in effect as provided in subdivision (b) or (g) or paragraph one of
12 subdivision (d) of section eleven hundred eighty of this article. The
13 commissioner, in consultation with the superintendent of the division of
14 state police, shall determine the location of the highway construction
15 or maintenance work areas located on a controlled-access highway in
16 which to install and operate photo speed violation monitoring systems.
17 In selecting a highway construction or maintenance work area in which to
18 install and operate a photo speed violation monitoring system, the
19 commissioner shall consider criteria including, but not limited to, the
20 speed data, crash history, and roadway geometry applicable to such high-
21 way construction or maintenance work area. A photo speed violation moni-
22 toring system shall not be installed or operated on a controlled-access
23 highway exit ramp.

24 2. Notwithstanding any other provision of law, after holding a public
25 hearing in accordance with the public officers law and subsequent
26 approval of the establishment of a demonstration program in accordance
27 with this section by a majority of the members of the entire board of
28 the thruway authority, the chair of the thruway authority is hereby
29 authorized to establish a demonstration program imposing monetary
30 liability on the owner of a vehicle for failure of an operator thereof
31 to comply with posted maximum speed limits in a highway construction or
32 maintenance work area located on the thruway (i) when highway
33 construction or maintenance work is occurring and a work area speed
34 limit is in effect as provided in paragraph two of subdivision (d) or
35 subdivision (f) of section eleven hundred eighty of this article or (ii)
36 when highway construction or maintenance work is occurring and other
37 speed limits are in effect as provided in subdivision (b) or (g) or
38 paragraph one of subdivision (d) of section eleven hundred eighty of
39 this article. Such demonstration program shall empower [~~the~~] such chair
40 to install photo speed violation monitoring systems within no more than
41 [~~ten~~] twenty highway construction or maintenance work areas located on
42 the thruway and to operate such systems within such work areas (iii)
43 when highway construction or maintenance work is occurring and a work
44 area speed limit is in effect as provided in paragraph two of subdivi-
45 sion (d) or subdivision (f) of section eleven hundred eighty of this
46 article or (iv) when highway construction or maintenance work is occur-
47 ring and other speed limits are in effect as provided in subdivision (b)
48 or (g) or paragraph one of subdivision (d) of section eleven hundred
49 eighty of this article. The chair of the thruway authority, in consulta-
50 tion with the superintendent of the division of state police, shall
51 determine the location of the highway construction or maintenance work
52 areas located on the thruway in which to install and operate photo speed
53 violation monitoring systems. In selecting a highway construction or
54 maintenance work area in which to install and operate a photo speed
55 violation monitoring system, [~~the~~] such chair shall consider criteria
56 including, but not limited to, the speed data, crash history, and road-

1 way geometry applicable to such highway construction or maintenance work
2 area. A photo speed violation monitoring system shall not be installed
3 or operated on a thruway exit ramp.

4 § 2. Paragraphs 3, 4, 5, and subparagraph (i) and the opening para-
5 graph of subparagraph (ii) of paragraph 6 of subdivision (a), subdivi-
6 sions (b), (c), (d), paragraph 3 of subdivision (g), (h), (i), (j), and
7 (m) of section 1180-e of the vehicle and traffic law, as added by chap-
8 ter 421 of the laws of 2021, are amended and two new paragraphs 2-a and
9 2-b are added to subdivision (a) to read as follows:

10 2-a. Notwithstanding any other provision of law, after holding a
11 public hearing in accordance with the public officers law and subsequent
12 approval of the establishment of a demonstration program in accordance
13 with this section by a majority of the members of the entire board of
14 the Triborough bridge and tunnel authority, the chair of the Triborough
15 bridge and tunnel authority is hereby authorized to establish a demon-
16 stration program imposing monetary liability on the owner of a vehicle
17 for failure of an operator thereof to comply with posted maximum speed
18 limits in a highway construction or maintenance work area located on a
19 Triborough bridge and tunnel authority facility (i) when highway
20 construction or maintenance work is occurring and a work area speed
21 limit is in effect as provided in paragraph two of subdivision (d) or
22 subdivision (f) of section eleven hundred eighty of this article or (ii)
23 when highway construction or maintenance work is occurring and other
24 speed limits are in effect as provided in subdivision (b) or (g) or
25 paragraph one of subdivision (d) of section eleven hundred eighty of
26 this article. Such demonstration program shall empower such chair to
27 install photo speed violation monitoring systems within no more than
28 nine highway construction or maintenance work areas located on Tribor-
29 ough bridge and tunnel authority facilities and to operate such systems
30 within such work areas (iii) when highway construction or maintenance
31 work is occurring and a work area speed limit is in effect as provided
32 in paragraph two of subdivision (d) or subdivision (f) of section eleven
33 hundred eighty of this article or (iv) when highway construction or
34 maintenance work is occurring and other speed limits are in effect as
35 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
36 of section eleven hundred eighty of this article. The chair of the
37 Triborough bridge and tunnel authority, in consultation with the chief
38 of the metropolitan transportation authority police department or the
39 chief of the Triborough bridge and tunnel authority peace officers
40 appointed pursuant to subdivision twenty of section 2.10 of the criminal
41 procedure law, shall determine the location of the highway construction
42 or maintenance work areas located on Triborough bridge and tunnel
43 authority facilities in which to install and operate photo speed
44 violation monitoring systems. In selecting a highway construction or
45 maintenance work area in which to install and operate a photo speed
46 violation monitoring system, such chair shall consider criteria includ-
47 ing, but not limited to, the speed data, crash history, and roadway
48 geometry applicable to such highway construction or maintenance work
49 area. The New York state department of transportation and the New York
50 city department of transportation may enter into a memorandum of under-
51 standing with the Triborough bridge and tunnel authority for the
52 purposes of coordinating the planning, design, and installation of photo
53 speed violation monitoring systems in such photo speed violation moni-
54 toring demonstration program. Such memorandum shall address, for
55 purposes of such demonstration program, the use of systems, devices and

1 other facilities owned and operated by the state or by the New York city
2 department of transportation.

3 2-b. Notwithstanding any other provision of law, after holding a
4 public hearing in accordance with the public officers law and subsequent
5 approval of the establishment of a demonstration program in accordance
6 with this section by a majority of the members of the entire board of
7 the bridge authority, the chair of the bridge authority is hereby
8 authorized to establish a demonstration program imposing monetary
9 liability on the owner of a vehicle for failure of an operator thereof
10 to comply with posted maximum speed limits in a highway construction or
11 maintenance work area located on bridge authority facilities (i) when
12 highway construction or maintenance work is occurring and a work area
13 speed limit is in effect as provided in paragraph two of subdivision (d)
14 or subdivision (f) of section eleven hundred eighty of this article or
15 (ii) when highway construction or maintenance work is occurring and
16 other speed limits are in effect as provided in subdivision (b) or (g)
17 or paragraph one of subdivision (d) of section eleven hundred eighty of
18 this article. Such demonstration program shall empower such chair to
19 install photo speed violation monitoring systems within no more than
20 five highway construction or maintenance work areas located on bridge
21 authority facilities and to operate such systems within such work areas
22 (iii) when highway construction or maintenance work is occurring and a
23 work area speed limit is in effect as provided in paragraph two of
24 subdivision (d) or subdivision (f) of section eleven hundred eighty of
25 this article or (iv) when highway construction or maintenance work is
26 occurring and other speed limits are in effect as provided in subdivi-
27 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
28 hundred eighty of this article. The chair of the bridge authority, in
29 consultation with the superintendent of the division of state police,
30 shall determine the location of the highway construction or maintenance
31 work areas located on bridge authority facilities in which to install
32 and operate photo speed violation monitoring systems. In selecting a
33 highway construction or maintenance work area in which to install and
34 operate a photo speed violation monitoring system, such chair shall
35 consider criteria including, but not limited to, the speed data, crash
36 history, and roadway geometry applicable to such highway construction or
37 maintenance work area. The New York state department of transportation
38 may enter into a memorandum of understanding with the bridge authority
39 for the purposes of coordinating the planning, design, and installation
40 of photo speed violation monitoring systems in such photo speed
41 violation monitoring demonstration program. Such memorandum shall
42 address, for purposes of such demonstration program, the use of systems,
43 devices and other facilities owned and operated by the state.

44 3. No photo speed violation monitoring system shall be used in a high-
45 way construction or maintenance work area unless (i) on the day it is to
46 be used it has successfully passed a self-test of its functions; and
47 (ii) it has undergone an annual calibration check performed pursuant to
48 paragraph five of this subdivision. The commissioner or chair of the
49 thruway authority, Triborough bridge and tunnel authority, or bridge
50 authority, as applicable, shall install signs giving notice that a photo
51 speed violation monitoring system is in use, in conformance with stand-
52 ards established in the MUTCD.

53 4. Operators of photo speed violation monitoring systems shall have
54 completed training in the procedures for setting up, testing, and oper-
55 ating such systems. Each such operator shall complete and sign a daily
56 set-up log for each such system that ~~[he or she]~~ the operator operates

1 that (i) states the date and time when, and the location where, the
2 system was set up that day, and (ii) states that such operator success-
3 fully performed, and the system passed, the self-tests of such system
4 before producing a recorded image that day. The commissioner or the
5 chair of the thruway authority, Triborough bridge and tunnel authority,
6 or bridge authority, as applicable, shall retain each such daily log
7 until the later of the date on which the photo speed violation monitor-
8 ing system to which it applies has been permanently removed from use or
9 the final resolution of all cases involving notices of liability issued
10 based on photographs, microphotographs, video or other recorded images
11 produced by such system.

12 5. Each photo speed violation monitoring system shall undergo an annu-
13 al calibration check performed by an independent calibration laboratory
14 which shall issue a signed certificate of calibration. The commissioner
15 or the chair of the thruway authority, Triborough bridge and tunnel
16 authority, or bridge authority, as applicable, shall keep each such
17 annual certificate of calibration on file until the final resolution of
18 all cases involving a notice of liability issued during such year which
19 were based on photographs, microphotographs, videotape or other recorded
20 images produced by such photo speed violation monitoring system.

21 (i) Such demonstration program shall utilize necessary technologies to
22 ensure, to the extent practicable, that photographs, microphotographs,
23 videotape or other recorded images produced by such photo speed
24 violation monitoring systems shall not include images that identify the
25 driver, the passengers, or the contents of the vehicle. Provided,
26 however, that no notice of liability issued pursuant to this section
27 shall be dismissed solely because such a photograph, microphotograph,
28 videotape or other recorded image allows for the identification of the
29 driver, the passengers, or the contents of vehicles where the commis-
30 sioner or the chair of the thruway authority, Triborough bridge and
31 tunnel authority, or bridge authority, as applicable, shows that they
32 made reasonable efforts to comply with the provisions of this paragraph
33 in such case.

34 Photographs, microphotographs, videotape or any other recorded image
35 from a photo speed violation monitoring system shall be for the exclu-
36 sive use of the commissioner or ~~the~~ chair of the thruway authority,
37 Triborough bridge and tunnel authority, or bridge authority, as applica-
38 ble, for the purpose of the adjudication of liability imposed pursuant
39 to this section and of the owner receiving a notice of liability pursu-
40 ant to this section, and shall be destroyed by the commissioner or chair
41 of the thruway authority, Triborough bridge and tunnel authority, or
42 bridge authority, as applicable, upon the final resolution of the notice
43 of liability to which such photographs, microphotographs, videotape or
44 other recorded images relate, or one year following the date of issuance
45 of such notice of liability, whichever is later. Notwithstanding the
46 provisions of any other law, rule or regulation to the contrary, photo-
47 graphs, microphotographs, videotape or any other recorded image from a
48 photo speed violation monitoring system shall not be open to the public,
49 nor subject to civil or criminal process or discovery, nor used by any
50 court or administrative or adjudicatory body in any action or proceeding
51 therein except that which is necessary for the adjudication of a notice
52 of liability issued pursuant to this section, and no public entity or
53 employee, officer or agent thereof shall disclose such information,
54 except that such photographs, microphotographs, videotape or any other
55 recorded images from such systems:

(b) If the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a highway construction or maintenance work area located on a controlled-access highway ~~[or on]~~, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d), of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such highway construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

(c) For purposes of this section, the following terms shall have the following meanings:

1. ~~["chair"]~~ "bridge authority" shall mean the ~~[chair of the]~~ New York state ~~[thruway]~~ bridge authority created pursuant to section five hundred twenty-seven of the public authorities law;

2. "bridge authority facility" shall mean the following bridges under the jurisdiction of the New York state bridge authority: the Bear Mountain bridge; the Newburgh Beacon bridge; the Mid-Hudson bridge; the Kingston-Rhinecliff bridge; and the Rip Van Winkle bridge;

3. "chair" shall mean the chair of the thruway authority, the chair of the bridge authority, or the president of the Triborough bridge and tunnel authority, as applicable;

4. "commissioner" shall mean the commissioner of transportation;

~~[3-]~~ 5. "controlled-access highway" shall mean a controlled-access highway as defined by section one hundred nine of this chapter under the commissioner's jurisdiction which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time;

~~[4-]~~ 6. "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter;

7. "metropolitan transportation authority" shall mean the corporation created by section twelve hundred sixty-three of the public authorities law;

~~[5-]~~ 8. "owner" shall have the meaning provided in article two-B of this chapter;

~~[6-]~~ 9. "photo speed violation monitoring system" shall mean a vehicle sensor installed to work in conjunction with a speed measuring device which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in a highway construction or maintenance work area located on a controlled-access highway ~~[or on]~~, the thruway.

Triborough bridge and tunnel authority facility or bridge authority facility in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article in accordance with the provisions of this section;

~~[7-]~~ 10. "thruway authority" shall mean the New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two of the public authorities law; ~~[and~~

~~8-]~~ 11. "thruway" shall mean generally a divided highway under the jurisdiction of the thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections~~[-]~~;

12. "Triborough bridge and tunnel authority" shall mean the corporation organized pursuant to section five hundred fifty-two of the public authorities law; and

13. "Triborough bridge and tunnel authority facility" shall mean the following bridges and tunnels under the jurisdiction of the Triborough bridge and tunnel authority: the Bronx-Whitestone bridge; the Cross Bay Veterans Memorial bridge; the Henry Hudson bridge; the Marine Parkway-Gil Hodges Memorial bridge; the Robert F. Kennedy bridge; the Throgs Neck bridge; the Verrazzano-Narrows bridge; the Hugh L. Carey tunnel; and the Queens Midtown tunnel.

(d) A certificate, sworn to or affirmed by a technician employed by the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo speed violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which ~~[he or she]~~ such person may contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(h) Adjudication of the liability imposed upon owners ~~[of]~~ by this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal and except that adjudication of liability imposed upon owners by this section for violations occurring in the city of New York shall be by the New York city parking violations bureau.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of

1 liability for a violation of subdivision (b), (d), (f) or (g) of section
2 eleven hundred eighty of this article pursuant to this section that the
3 vehicle or the number plate or plates of such vehicle had been reported
4 to the police as stolen prior to the time the violation occurred and had
5 not been recovered by such time. For purposes of asserting the defense
6 provided by this subdivision, it shall be sufficient that a certified
7 copy of the police report on the stolen vehicle or number plate or
8 plates of such vehicle be sent by first class mail to the department of
9 transportation, thruway authority, Triborough bridge and tunnel authori-
10 ty or bridge authority, as applicable, or to the traffic violations
11 bureau, court having jurisdiction or parking violations bureau. Nothing
12 contained in this subdivision shall be deemed to prohibit an owner which
13 submits a police report pursuant to this subdivision to the department
14 of transportation, thruway authority, Triborough bridge and tunnel
15 authority or bridge authority, as applicable, from later submitting such
16 report to the traffic violations bureau, court having jurisdiction or
17 parking violations bureau as provided by this subdivision.

18 (j) 1. Where the adjudication of liability imposed upon owners pursu-
19 ant to this section is by a traffic violations bureau or a court having
20 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
21 liability was issued pursuant to subdivision (g) of this section shall
22 not be liable for the violation of subdivision (b), (d), (f) or (g) of
23 section eleven hundred eighty of this article pursuant to this section,
24 provided that ~~[he or she]~~ the owner sends to the department of transpor-
25 tation, thruway authority, Triborough bridge and tunnel authority or
26 bridge authority, as applicable, or to the traffic violations bureau or
27 court having jurisdiction a copy of the rental, lease or other such
28 contract document covering such vehicle on the date of the violation,
29 with the name and address of the lessee clearly legible, within thirty-
30 seven days after receiving notice from the bureau or court of the date
31 and time of such violation, together with the other information
32 contained in the original notice of liability. Failure to send such
33 information within such thirty-seven day time period shall render the
34 owner liable for the penalty prescribed by this section. Where the
35 lessor complies with the provisions of this paragraph, the lessee of
36 such vehicle on the date of such violation shall be deemed to be the
37 owner of such vehicle for purposes of this section, shall be subject to
38 liability for the violation of subdivision (b), (d), (f) or (g) of
39 section eleven hundred eighty of this article pursuant to this section
40 and shall be sent a notice of liability pursuant to subdivision (g) of
41 this section. Nothing contained in this paragraph shall be deemed to
42 prohibit a lessor which submits information pursuant to this paragraph
43 to the department of transportation, thruway authority, Triborough
44 bridge and tunnel authority or bridge authority, as applicable, from
45 later submitting such information to the traffic violations bureau or
46 court having jurisdiction as provided by this paragraph.

47 2. (i) In ~~[a]~~ the city of New York and in any city which, by local
48 law, has authorized the adjudication of liability imposed upon owners by
49 this section by a parking violations bureau, an owner who is a lessor of
50 a vehicle to which a notice of liability was issued pursuant to subdivi-
51 sion (g) of this section shall not be liable for the violation of subdivi-
52 sion (b), (d), (f) or (g) of section eleven hundred eighty of this
53 article, provided that:

54 (A) prior to the violation, the lessor has filed with the bureau in
55 accordance with the provisions of section two hundred thirty-nine of
56 this chapter; and

(B) (1) within thirty-seven days after receiving notice from the bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose; or

(2) no later than the time period prescribed by item one of this clause, the lessor submits to the department of transportation, thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible. Nothing contained in this item shall be deemed to prohibit a lessor which submits information pursuant to this item to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, from later submitting such information to the bureau as provided by item one of this clause.

(ii) Failure to comply with clause (B) of subparagraph (i) of this paragraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(m) If the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority adopts a demonstration program pursuant to subdivision (a) of this section the commissioner or chair of the thruway authority, as applicable, shall conduct a study and submit a report on or before May first, two thousand twenty-four and ~~a report on or before May first, two thousand twenty-six~~ on the same date every two years thereafter in which the demonstration program is operable, and the chair of the Triborough bridge and tunnel authority or bridge authority, as applicable, shall conduct a study and submit a report on or before May first, two thousand twenty-eight and on the same date every two years thereafter in which the demonstration program is operable, on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly. The commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this subdivision if the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, finds that publishing specific location data would jeopardize public safety. Such report shall include:

1. the locations where and dates when photo speed violation monitoring systems were used;

2. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all highway construction or maintenance work areas on controlled-access highways, ~~[or on]~~ the thruway, Triborough bridge and tunnel authority facilities or bridge author-

1 ity facilities, as applicable, to the extent the information is main-
2 tained by the commissioner, the chair of the thruway authority,
3 Triborough bridge and tunnel authority, or bridge authority, or the
4 department of motor vehicles of this state;

5 3. the aggregate number, type and severity of crashes, fatalities,
6 injuries and property damage reported within highway construction or
7 maintenance work areas where photo speed violation monitoring systems
8 were used, to the extent the information is maintained by the commis-
9 sioner, the chair of the thruway authority, Triborough bridge and tunnel
10 authority, or bridge authority, or the department of motor vehicles of
11 this state;

12 4. the number of violations recorded within all highway construction
13 or maintenance work areas on controlled-access highways, ~~[or on]~~ the
14 thruway, Triborough bridge and tunnel authority facilities or bridge
15 authority facilities, in the aggregate on a daily, weekly and monthly
16 basis to the extent the information is maintained by the commissioner,
17 the chair of the thruway authority, Triborough bridge and tunnel author-
18 ity, or bridge authority, or the department of motor vehicles of this
19 state;

20 5. the number of violations recorded within each highway construction
21 or maintenance work area where a photo speed violation monitoring system
22 is used, in the aggregate on a daily, weekly and monthly basis;

23 6. to the extent the information is maintained by the commissioner,
24 the chair of the thruway authority, Triborough bridge and tunnel author-
25 ity, or bridge authority, or the department of motor vehicles of this
26 state, the number of violations recorded within all highway construction
27 or maintenance work areas on controlled-access highways, ~~[or on]~~ the
28 thruway, Triborough bridge and tunnel authority facilities or bridge
29 authority facilities, that were:

30 (i) more than ten but not more than twenty miles per hour over the
31 posted speed limit;

32 (ii) more than twenty but not more than thirty miles per hour over the
33 posted speed limit;

34 (iii) more than thirty but not more than forty miles per hour over the
35 posted speed limit; and

36 (iv) more than forty miles per hour over the posted speed limit;

37 7. the number of violations recorded within each highway construction
38 or maintenance work area where a photo speed violation monitoring system
39 is used that were:

40 (i) more than ten but not more than twenty miles per hour over the
41 posted speed limit;

42 (ii) more than twenty but not more than thirty miles per hour over the
43 posted speed limit;

44 (iii) more than thirty but not more than forty miles per hour over the
45 posted speed limit; and

46 (iv) more than forty miles per hour over the posted speed limit;

47 8. the total number of notices of liability issued for violations
48 recorded by such systems;

49 9. the number of fines and total amount of fines paid after the first
50 notice of liability issued for violations recorded by such systems, to
51 the extent the information is maintained by the commissioner, the chair
52 of the thruway authority, Triborough bridge and tunnel authority, or
53 bridge authority, or the department of motor vehicles of this state;

54 10. the number of violations adjudicated and the results of such adju-
55 dications including breakdowns of dispositions made for violations
56 recorded by such systems, to the extent the information is maintained by

1 the commissioner, the chair of the thruway authority, Triborough bridge
2 and tunnel authority, or bridge authority, or the department of motor
3 vehicles of this state;

4 11. the total amount of revenue realized by the state or the thruway
5 authority, Triborough bridge and tunnel authority, or bridge authority,
6 as applicable, in connection with the program;

7 12. the expenses incurred by the state or the thruway authority,
8 Triborough bridge and tunnel authority, or bridge authority, as applica-
9 ble, in connection with the program;

10 13. an itemized list of expenditures made by the state [~~and the~~],
11 thruway authority, Triborough bridge and tunnel authority, and the
12 bridge authority on work zone safety projects undertaken in accordance
13 with subdivisions eleven [~~and~~], twelve, fourteen and fifteen of section
14 eighteen hundred three of this chapter; and

15 14. the quality of the adjudication process and its results, to the
16 extent the information is maintained by the commissioner, the chair of
17 the thruway authority, Triborough bridge and tunnel authority, or bridge
18 authority, or the department of motor vehicles of this state.

19 § 3. Section 1803 of the vehicle and traffic law is amended by adding
20 two new subdivisions 14 and 15 to read as follows:

21 14. Where the chair of the Triborough bridge and tunnel authority has
22 established a demonstration program imposing monetary liability on the
23 owner of a vehicle for failure of an operator thereof to comply with
24 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
25 this chapter in accordance with section eleven hundred eighty-e of this
26 chapter, any fine or penalty collected by the New York city parking
27 violations bureau for an imposition of liability which occurs pursuant
28 to such program shall be paid to the state comptroller within the first
29 ten days of the month following collection, except as otherwise provided
30 in subdivision three of section ninety-nine-a of the state finance law.
31 Every such payment shall be accompanied by a statement in such form and
32 detail as the comptroller shall provide. Notwithstanding the provisions
33 of subdivision five of this section, eighty percent of any such fine or
34 penalty imposed for such liability shall be paid to the Triborough
35 bridge and tunnel authority, and twenty percent of any such fine or
36 penalty shall be paid to the city of New York. With respect to the
37 percentage of fines or penalties paid to the Triborough bridge and
38 tunnel authority, no less than sixty percent shall be dedicated to
39 Triborough bridge and tunnel authority work zone safety projects after
40 deducting the expenses necessary to administer such demonstration
41 program, provided, however, that such funds provided pursuant to this
42 subdivision shall be payable on the audit and warrant of the comptroller
43 and shall only be used to supplement and not supplant current expendi-
44 tures of Triborough bridge and tunnel authority funds on work zone safe-
45 ty projects. For the purposes of this subdivision, "work zone safety
46 projects" shall apply to work zones under the jurisdiction of the
47 Triborough bridge and tunnel authority and shall include, but not be
48 limited to, inspection and implementation of work zone design, mainte-
49 nance, traffic plans and markings, worker safety training, contractor
50 outreach, and enforcement efforts. For the purposes of this subdivision,
51 the term "Triborough bridge and tunnel authority" shall mean the New
52 York state Triborough bridge and tunnel authority, a body corporate and
53 politic constituting a public benefit corporation created and consti-
54 tuted pursuant to title three of article three of the public authorities
55 law and the term "chair" shall mean the president of the Triborough
56 bridge and tunnel authority. All fines, penalties and forfeitures paid

1 to the city of New York pursuant to the provisions of this subdivision
2 shall be credited to the general fund of such city, unless a different
3 disposition is prescribed by charter, special law, local law or ordi-
4 nance.

5 15. Where the chair of the New York state bridge authority has estab-
6 lished a demonstration program imposing monetary liability on the owner
7 of a vehicle for failure of an operator thereof to comply with subdivi-
8 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-
9 ter in accordance with section eleven hundred eighty-e of this chapter,
10 any fine or penalty collected by a court, judge, magistrate or other
11 officer for an imposition of liability which occurs pursuant to such
12 program shall be paid to the state comptroller within the first ten days
13 of the month following collection, except as otherwise provided in
14 subdivision three of section ninety-nine-a of the state finance law.
15 Every such payment shall be accompanied by a statement in such form and
16 detail as the comptroller shall provide. Notwithstanding the provisions
17 of subdivision five of this section, eighty percent of any such fine or
18 penalty imposed for such liability shall be paid to the bridge authori-
19 ty, and twenty percent of any such fine or penalty shall be paid to the
20 city, town or village in which the violation giving rise to the liabil-
21 ity occurred. With respect to the percentage of fines or penalties paid
22 to the bridge authority, no less than sixty percent shall be dedicated
23 to bridge authority work zone safety projects after deducting the
24 expenses necessary to administer such demonstration program, provided,
25 however, that such funds provided pursuant to this subdivision shall be
26 payable on the audit and warrant of the comptroller and shall only be
27 used to supplement and not supplant current expenditures of bridge
28 authority funds on work zone safety projects. For the purposes of this
29 subdivision, "work zone safety projects" shall apply to work zones under
30 the jurisdiction of the bridge authority and shall include, but not be
31 limited to, inspection and implementation of work zone design, mainte-
32 nance, traffic plans and markings, worker safety training, contractor
33 outreach, and enforcement efforts. For the purposes of this subdivision,
34 the term "bridge authority" shall mean the New York state bridge author-
35 ity, a body corporate and politic constituting a public benefit corpo-
36 ration created and constituted pursuant to title two of article three of
37 the public authorities law. All fines, penalties and forfeitures paid to
38 a city, town or village pursuant to the provisions of this subdivision
39 shall be credited to the general fund of such city, town or village,
40 unless a different disposition is prescribed by charter, special law,
41 local law or ordinance.

42 § 4. The opening paragraph of section 16 of chapter 421 of the laws of
43 2021 amending the vehicle and traffic law and the general municipal law
44 relating to certain notices of liability, is amended to read as follows:

45 This act shall take effect on the thirtieth day after it shall have
46 become a law; provided, however, that sections twelve, thirteen, four-
47 teen and fifteen of this act shall expire and be deemed repealed [5] 10
48 years after such effective date when upon such date the provisions of
49 such sections shall be deemed repealed; provided that effective imme-
50 diately, the addition, amendment and/or repeal of any rule or regulation
51 necessary for the implementation of this act on its effective date are
52 authorized to be made and completed on or before such effective date;
53 and provided further, that:

54 § 5. For the purpose of informing and educating owners of motor vehi-
55 cles in this state, an authority authorized to issue notices of liabil-
56 ity pursuant to the provisions of paragraphs 2-a and 2-b of subdivision

(a) of section 1180-e of the vehicle and traffic law, as added by section two of this act, shall, during the first thirty-day period in which the photo violation monitoring systems are in operation pursuant to the provisions of this act, issue a written warning in lieu of a notice of liability to all owners of motor vehicles who would be held liable for failure of operators thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law in accordance with section eleven hundred eighty-e of the vehicle and traffic law.

§ 6. This act shall take effect immediately; provided however, that sections two, three, and five of this act shall take effect on the one hundred eightieth day after it shall have become a law; provided further, however, that the amendments to section 1180-e of the vehicle and traffic law made by sections one and two of this act shall not affect the repeal of such section and shall expire and be deemed repealed therewith; and provided further, however, that sections three and five of this act shall expire and be deemed repealed on the same date and in the same manner as sections twelve, thirteen, fourteen and fifteen of chapter 421 of the laws of 2021, as amended. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

PART R

Intentionally Omitted

PART S

Section 1. Section 4 of chapter 495 of the laws of 2004, amending the insurance law and the public health law relating to the New York state health insurance continuation assistance demonstration project, as amended by section 1 of part BB of chapter 58 of the laws of 2024, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that this act shall remain in effect until July 1, ~~2025~~ 2026 when upon such date the provisions of this act shall expire and be deemed repealed; provided, further, that a displaced worker shall be eligible for continuation assistance retroactive to July 1, 2004.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivision 7 of section 2611 of the public authorities law, as amended by section 1 of part NN of chapter 58 of the laws of 2019, is amended to read as follows:

7. To enter into contracts, leases and subleases and to execute all instruments necessary or convenient for the conduct of authority business, including agreements with the park district and any state agency which administers, owns or supervises any olympic facility or Belleayre Mountain ski center, as provided in sections twenty-six hundred twelve and twenty-six hundred fourteen of this title~~[, and including contracts or other agreements to plan, prepare for and host the two thousand twenty-three World University Games to be held in Lake Placid, New York~~

~~where such contracts or agreements would obligate the authority to defend, indemnify and/or insure third parties in connection with, arising out of, or relating to such games, such authority to be limited by the amount of any lawful appropriation or other funding such as a performance bond surety, or other collateral instrument for that purpose. With respect to the two thousand twenty three World University Games, the amount of such appropriation shall be no more than sixteen million dollars].~~ This shall include the power to enter into contracts or other agreements to join reciprocal ski pass programs with other ski areas, where the members of such reciprocal pass program are required to defend and/or indemnify one or more other members of such program for claims or causes of action arising out of, or relating to, such contract or agreement. This power shall be limited by the amount of the authority's discretionary funds, any lawful appropriation, or other funding, up to a limit of two hundred fifty thousand dollars per such claim or cause of action;

§ 2. This act shall take effect immediately.

PART U

Section 1. The general business law is amended by adding a new article 47 to read as follows:

ARTICLE 47

ARTIFICIAL INTELLIGENCE COMPANION MODELS

Section. 1700. Definitions.

1701. Prohibitions and requirements.

1702. Notifications.

1703. Enforcement.

1704. Severability.

§ 1700. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Artificial intelligence", "artificial intelligence technology", or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, and that uses machine- and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action.

2. "Generative artificial intelligence" means a class of AI models that emulate the structure and characteristics of input data to generate derived synthetic content, including, but not limited to, images, videos, audio, text, and other digital content.

3. "AI model" means a component of an information system that implements artificial intelligence technology and uses computational, statistical, or machine-learning techniques to produce outputs from a given set of inputs.

4. (a) "AI companion" means a system using artificial intelligence, generative artificial intelligence, and/or emotional recognition algorithms designed to simulate a sustained human or human-like relationship with a user by:

(i) retaining information on prior interactions or user sessions and user preferences to personalize the interaction and facilitate ongoing engagement with the AI companion;

(ii) asking unprompted or unsolicited emotion-based questions that go beyond a direct response to a user prompt; and

1 (iii) sustaining an ongoing dialogue concerning matters personal to
2 the user.

3 (b) Human relationships include, but shall not be limited to, inti-
4 mate, romantic or platonic interactions or companionship.

5 (c) "AI companion" shall not include:

6 (i) any system used by a business entity solely for customer service
7 or to strictly provide users with information about available commercial
8 services or products provided by such entity, customer service account
9 information, or other information strictly related to its customer
10 service;

11 (ii) any system that is primarily designed and marketed for providing
12 efficiency improvements or, research or technical assistance; or

13 (iii) any system used by a business entity solely for internal
14 purposes or employee productivity.

15 5. "Operator" means any person, partnership, association, firm, or
16 business entity, or any member, affiliate, subsidiary or beneficial
17 owner of any partnership, association, firm, or business entity who
18 operates for or provides an AI companion to a user.

19 6. "Person" means any natural person.

20 7. "Emotional recognition algorithms" means artificial intelligence
21 that detects and interprets human emotional signals in text (using
22 natural language processing and sentiment analysis), audio (using voice
23 emotion AI), video (using facial movement analysis, gait analysis, or
24 physiological signals), or a combination thereof.

25 8. "User" means any person who uses an AI companion for personal use
26 within the state and who is not an operator or agent or affiliate of the
27 operator of the AI companion.

28 9. "Self-harm" means intentional self-injury with or without the
29 intent to cause death.

30 § 1701. Prohibitions and requirements. It shall be unlawful for any
31 operator to operate for or provide an AI companion to a user unless such
32 AI companion contains a protocol to take reasonable efforts for detect-
33 ing and addressing suicidal ideation or expressions of self-harm
34 expressed by a user to the AI companion, that includes but is not limit-
35 ed to, detection of user expressions of suicidal ideation or self-harm,
36 and a notification to the user that refers them to crisis service
37 providers such as the 9-8-8 suicide prevention and behavioral health
38 crisis hotline under section 36.03 of the mental hygiene law, a crisis
39 text line, or other appropriate crisis services upon detection of such
40 user's expressions of suicidal ideation or self-harm.

41 § 1702. Notifications. An operator shall provide a clear and conspicu-
42 ous notification to a user at the beginning of any AI companion inter-
43 action which need not exceed once per day and at least every three hours
44 for continuing AI companion interactions which states either verbally or
45 in writing that the user is not communicating with a human.

46 § 1703. Enforcement. 1. Whenever the attorney general shall believe
47 from evidence satisfactory to them that an operator has engaged in or is
48 about to engage in any of the acts or practices stated to be unlawful in
49 this article or in violation of section seventeen hundred one or seven-
50 teen hundred two of this article, they may bring an action in the name
51 and on behalf of the people of the state of New York to enjoin an opera-
52 tor from continuing such unlawful acts or practices, and may seek civil
53 penalties of up to fifteen thousand dollars per day for a violation
54 under section seventeen hundred one or seventeen hundred two of this
55 article, and may seek such other remedies as the court may deem appro-
56 priate.

2. All fees, fines and penalties collected under this article shall be deposited into the suicide prevention fund as established pursuant to section ninety-nine-ss of the state finance law.

§ 1704. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 2. The state finance law is amended by adding a new section 99-ss to read as follows:

§ 99-ss. Suicide prevention fund. 1. There is hereby established in the joint custody of the comptroller, the commissioner of taxation and finance, and the office of mental health, a fund, to be known as the "suicide prevention fund".

2. Such fund shall consist of moneys required to be deposited thereto pursuant to article forty-seven of the general business law and all other moneys appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Moneys of the fund shall be made available to the office of mental health for initiatives supporting suicide prevention, education, and awareness.

4. The commissioner of the office of mental health shall include in its written report pursuant to subdivision (g) of section 7.07 of the mental hygiene law how the moneys of the fund were utilized during the preceding fiscal year, and shall include:

(a) the amount of money disbursed from the fund and the award process used for such disbursements;

(b) recipients of awards from the fund;

(c) the amount awarded to each; and

(d) the purposes for which such awards were granted.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART V

Section 1. The article heading of article 12-B of the general business law, as added by chapter 1005 of the laws of 1960, is amended to read as follows:

ONLINE RETAILERS AND MERCANTILE ESTABLISHMENTS

§ 2. The section heading of section 217 of the general business law, as amended by chapter 278 of the laws of 2009, is amended and a new subdivision 3 is added to read as follows:

[~~Definition~~] Definitions.

3. "Online retailer" shall mean a seller of goods, wares or merchandise, primarily for personal, family or household purposes, excluding used goods, who offers to consumers in New York such items for sale online through a website, mobile application or other online platform. "Online retailer" shall not include an online marketplace where such marketplace is not the seller.

§ 3. Subdivisions 1, 2 and 3 section 218-a of the general business law, as amended by chapter 278 of the laws of 2009, are amended to read as follows:

1. Every retail mercantile establishment and online retailer shall conspicuously post, in the following manner, its refund policy as to all goods, wares or merchandise offered to the public for sale:

(a) on a sign attached to the item itself; or

(b) on a sign affixed to each cash register or point of sale; or

(c) on a sign so situated as to be clearly visible to the buyer from the cash register; or

(d) on a sign posted at each store entrance used by the public; or

(e) in case of an online retailer, by a notice displayed or made accessible by hyperlink near the item itself or by a notice displayed to or made accessible by hyperlink by the consumer prior to requesting billing information.

2. The sign, required by subdivision one of this section to be posted in every retail mercantile establishment, and notice required by subdivision one of this section, shall (a) state whether or not it is the policy of such establishment or online retailer to give refunds and, if so, under what conditions, including but not limited to whether a refund will be given:

(i) on merchandise which had been advertised as "sale" merchandise or marked "as is;"

(ii) on merchandise for which no proof of purchase exists;

(iii) at any time or not beyond a point in time specified;

(iv) in cash, or as credit or store credit only; or

(v) subject to any fees, including a restocking fee, and the dollar or percentage amount of each fee; and

(b) advise consumers that they are entitled to a written copy of the store's refund policy upon request.

3. Enforcement. Any retail mercantile establishment or online retailer which violates any provision of this section shall be liable, for a period of up to thirty days from the date of purchase, to the buyer for a cash refund or a credit, at the buyer's option, provided that the merchandise has not been used or damaged by the buyer and the buyer can verify the date of the purchase with a receipt or any other purchase verification method utilized by the retail merchant.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.

PART W

Section 1. Subdivisions 2, 3, 4 and 5 of section 527 of the general business law, as added by chapter 267 of the laws of 2020, are amended to read as follows:

2. ~~["Automatic renewal offer terms" means the following clear and conspicuous disclosures:~~

~~a. that the subscription or purchasing agreement will continue until the consumer cancels;~~

~~b. the description of the cancellation policy that applies to the offer;~~

~~c. the recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement, and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;~~

~~d. the length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and~~
~~e. the minimum purchase obligation, if any.~~

~~3-]~~ "Clear and conspicuous" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" means in a volume and cadence sufficient to be readily audible and understandable.

~~[4-]~~ 3. "Consumer" means any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit for personal, family, or household purposes.

~~[5-]~~ 4. "Continuous service" means a plan or arrangement in which a subscription or purchasing agreement continues until the consumer cancels the service.

§ 2. Section 527-a of the general business law, as added by chapter 267 of the laws of 2020, subdivisions 3 and 8 as amended by chapter 728 of the laws of 2023, is amended to read as follows:

§ 527-a. Unlawful practices. 1. It shall be unlawful for any business making an automatic renewal or continuous service offer to a consumer in this state to ~~[do any of the following]~~:

a. fail to present to the consumer, in a clear and conspicuous manner, the material terms of any automatic renewal offer ~~[terms]~~ or continuous service offer ~~[terms in a clear and conspicuous manner]~~, including but not limited to a description of the product or service subject to renewal, the amount of the costs that will be charged, the frequency of charges, the deadline by date or frequency by which the consumer must act to prevent or stop further charges, and cancellation mechanisms described in paragraphs d and d-1 of this subdivision, before consent to the ~~[subscription or purchasing agreement is fulfilled]~~ offer or billing information has been requested and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer. If the offer also includes a free gift or trial, or the price is temporary, the offer shall include a clear and conspicuous explanation of how and when the price will change and the price or prices that will subsequently be charged ~~[after the trial ends or the manner in which the subscription or purchasing agreement pricing will change upon conclusion of the trial]~~ to the consumer;

b. charge the ~~[consumer's credit or debit card]~~ consumer or the consumer's account with a third party for the initial term of an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the the terms of automatic renewal offer ~~[terms]~~ or continuous service offer ~~[terms]~~, including the terms of an automatic renewal offer or continuous service offer that is made at a promotional or discounted price for a limited period of time; ~~[or]~~

b-1. charge the consumer or the consumer's account with a third party following an increase in price, or a price higher than what was disclosed pursuant to paragraph a of this subdivision, relating to an automatic renewal or continuous service offer to which the consumer previously consented, without either: (i) first obtaining the consumer's affirmative consent to such increased price; or (ii) allowing the consumer to cancel such automatic renewal or continuous service anytime within, at least, fourteen days after such charge and refund the consumer in the amount equivalent to the price of the remaining term of the

1 service, at the time of such cancellation, on a pro rata basis. The
2 provisions of this paragraph shall not be construed to require any busi-
3 ness to obtain affirmative consent from the consumer regarding a price
4 increase, or a price increase not disclosed pursuant to paragraph a of
5 this subdivision, more than once prior to charging the consumer such
6 increased price;

7 c. fail to provide [~~an acknowledgment that includes the automatic~~
8 ~~renewal or continuous service offer terms, cancellation policy, and~~
9 ~~information regarding how to cancel in a manner that is capable of being~~
10 ~~retained by the consumer. If the offer includes a free gift or trial,~~
11 ~~the business shall also disclose in the acknowledgment how to cancel and~~
12 ~~allow the consumer to cancel before the consumer pays for the goods or~~
13 ~~services.] a notice promptly following affirmative consent, in a manner~~
14 that is capable of being retained by the consumer. Such notice shall
15 include:

16 (i) the terms of the automatic renewal or continuous service agree-
17 ment;

18 (ii) the amount of costs that will be charged;

19 (iii) the frequency of charges;

20 (iv) the deadline by date or frequency by which the consumer must act
21 to prevent or stop further charges; and

22 (v) the cancellation mechanisms, as described in paragraphs d and d-1
23 of this subdivision;

24 d. fail to provide the consumer with the option to cancel at any time
25 using a simple cancellation mechanism that is as easy to use as the
26 mechanism that the consumer used to provide consent and that is through
27 the same medium that the consumer used to provide consent;

28 d-1. fail to provide the consumer with the option to cancel, at any
29 time through all mediums by which the business allows a consumer to
30 provide affirmative consent to, the automatic renewal, continuous
31 service offer, or any price increase. Provided further that, where
32 consent was obtained in person, in addition to offering cancellation,
33 where practical via an in-person method similar to that the user used to
34 consent, the business shall at least offer cancellation through an
35 online mechanism or over a telephone number;

36 e. impose unreasonable or unlawful conditions upon, refuse to acknowl-
37 edge, obstruct or unreasonably delay cancellation requested or attempts
38 to request cancellation by a consumer. Provided further that:

39 (i) unreasonable or unlawful conditions include, but without limita-
40 tion, hanging up on consumers who call to cancel, providing false infor-
41 mation about how to cancel, misrepresenting the consequences or costs of
42 cancellation, or misrepresenting the reasons for delays in processing
43 consumers' cancellation requests; and

44 (ii) if a consumer conveys a request to cancel, the business may pres-
45 ent the consumer with a discounted offer, retention benefit or informa-
46 tion regarding the effect of cancellation but may not impose unreason-
47 able or unlawful conditions upon consumer's ability to cancel, refuse to
48 acknowledge, obstruct or unreasonably delay cancellation requested;

49 [~~2. A business that makes an automatic renewal offer or continuous~~
50 ~~service offer shall provide a toll-free telephone number, electronic~~
51 ~~mail address, a postal address only when the seller directly bills the~~
52 ~~consumer, or another cost effective, timely, and easy to use mechanism~~
53 ~~for cancellation that shall be described in the acknowledgment specified~~
54 ~~in paragraph c of subdivision one of this section.~~

55 3. a. In addition to the requirements of subdivision two of this
56 section, a consumer who accepts an automatic renewal or continuous

~~service offer online shall be allowed to terminate the automatic renewal or continuous service exclusively online, which may include a termination email formatted and provided by the business that a consumer can send to the business without additional information.~~

~~b. A business that allows a consumer to accept an automatic renewal or continuous service offer for an initial paid term of one year or longer, provided that such automatic renewal or continuous service renews for a paid term of six months or longer, shall]~~ f. fail to notify [such] a consumer of [such upcoming] an automatic renewal or continuous service charge [to such consumer's account] for an automatic renewal or continuous service offer with an initial paid term of one year or longer, provided that such automatic renewal or continuous service renews for a paid term of six months or longer, at least fifteen days before, but not more than forty-five days before, the cancellation deadline for such automatic renewal~~[. Such notice shall include instructions on how to cancel such renewal charge.~~

~~c. The provisions of paragraph b of this subdivision shall not apply to any business, or subsidiary or affiliate thereof, regulated by the public service commission or the federal communications commission.~~

~~4. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in this state, the business shall]~~ in the manner selected by the consumer, including text, email, app notification or any other notification channel offered by the business. Such notice shall include instructions on how to cancel such renewal charge;

~~g. fail to~~ provide ~~[the]~~ a consumer who has accepted an automatic renewal or continuous service offer with a clear and conspicuous notice of ~~[the]~~ any material change ~~[and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.~~

~~5. The requirements of this article shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except as follows:~~

~~a. The requirement in paragraph c of subdivision one of this section may be fulfilled after completion of the initial order.~~

~~b. The requirement in subdivision four of this section shall be fulfilled prior to implementation of the material change.~~

~~6.]~~ to the terms of the automatic renewal or continuous service offer, including any price increases, at least five business days prior, but no more than thirty days prior, to the date of the change, in the same manner as required by paragraph f of this subdivision; or

h. fail to notify a consumer of an automatic renewal or continuous service charge for an automatic renewal or continuous service offer if the automatic renewal or continuous service offer includes a free gift or trial for a period of more than a month, followed by an upcoming automatic renewal or continuous service charge, at least three days before but not more than twenty-one days before the cancellation deadline for the first chargeable period in the manner selected by the consumer, including text, email, app notification or any other notification channel offered by the business. Such notice shall include instructions on how to cancel such renewal charge.

2. In any case in which a business sends any goods, wares, merchandise, or products to a consumer, under a continuous service agreement or automatic renewal of a purchase, without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer, who may use or dispose of the same in any manner [he or she] such consumer

1 sees fit without any obligation whatsoever on the consumer's part to the
2 business, including, but not limited to, bearing the cost of, or respon-
3 sibility for, shipping any goods, wares, merchandise, or products to the
4 business.

5 ~~[7-]~~ 3. Whenever there shall be a violation of this section, an appli-
6 cation may be made by the attorney general in the name of the people of
7 the state of New York to a court or justice having jurisdiction to issue
8 an injunction, and upon notice to the defendant of not less than five
9 days, to enjoin and restrain the continuance of such violations; and if
10 it shall appear to the satisfaction of the court or justice that the
11 defendant has in fact, violated this section, an injunction may be
12 issued by such court or justice, enjoining and restraining any further
13 violation, without requiring proof that any person has, in fact, been
14 injured or damaged thereby. In any such proceeding the court may make
15 allowances to the attorney general as provided in section eighty-three
16 hundred three of the civil practice law and rules, and direct restitu-
17 tion. In connection with any such proposed application, the attorney
18 general is authorized to take proof and make a determination of the
19 relevant facts and to issue subpoenas in accordance with the civil prac-
20 tice law and rules. Whenever the court shall determine that a violation
21 of this section has occurred, the court may impose a civil penalty of
22 not more than one hundred dollars for a single violation and not more
23 than five hundred dollars for multiple violations resulting from a
24 single act or incident. A knowing violation of this section shall be
25 punishable by a civil penalty of not more than five hundred dollars for
26 a single violation and not more than one thousand dollars for multiple
27 violations resulting from a single act or incident. No business shall be
28 deemed to have violated the provisions of this section if such business
29 shows, by a preponderance of the evidence, that the violation was not
30 intentional and resulted from a bona fide error made notwithstanding the
31 maintenance of procedures reasonably adopted to avoid such error.

32 ~~[8-]~~ 4. The following are exempt from the requirements of this arti-
33 cle:

34 a. any service provided by a business or its affiliate where either
35 the business or its affiliate is doing business pursuant to a franchise
36 issued by a political subdivision of the state;

37 b. any entity, or subsidiary or affiliate thereof, regulated by the
38 department of financial services;

39 c. security system alarm operators;

40 d. banks, bank holding companies, or the subsidiary or affiliate of
41 either, or credit unions or other financial institutions, licensed under
42 state or federal law; and

43 e. sellers and administrators of a service contract, as defined pursu-
44 ant to section seven thousand nine hundred two of the insurance law.

45 § 3. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law.

47 PART X

48 Section 1. Section 349-a of the general business law is renumbered
49 349-h and a new section 349-a is added to read as follows:

50 § 349-a. Pricing. 1. As used in this section, the following terms
51 shall have the following meanings:

52 (a) "Algorithm" means a computational automated process that uses a
53 set of rules to define a sequence of operations.

1 (b) "Clear and conspicuous disclosure" means disclosure in the same
2 medium as, and provided on, at, or near and contemporaneous with every
3 advertisement, display, image, offer or announcement of a price for
4 which notice is required, using lettering and wording that is easily
5 visible and understandable to the average consumer.

6 (c) "Consumer" means a natural person who is seeking or solicited to
7 purchase, lease or receive a good or service for personal, family or
8 household use.

9 (d) "Personal data" means any data that identifies or could reasonably
10 be linked, directly or indirectly, with a specific consumer or device.
11 "Personal data" shall not include location data that is used by a for-
12 hire vehicle as defined in section 19-502 of the administrative code of
13 the city of New York or as otherwise defined in local law or rule, or a
14 transportation network company vehicle as defined in section sixteen
15 hundred ninety-one of the vehicle and traffic law, solely to calculate
16 the fare based on mileage and trip duration between the passenger's
17 pickup and drop-off locations.

18 (e) "Dynamic pricing" means pricing that fluctuates dependent on
19 conditions.

20 (f) "Personalized algorithmic pricing" means dynamic pricing set by an
21 algorithm that uses personal data as defined in this section.

22 (g) "Entity" means any natural person, firm, organization, partner-
23 ship, association, corporation, or any other entity domiciled or doing
24 business in New York state.

25 2. Any entity that sets the price of a specific good or service using
26 personalized algorithmic pricing, and that directly or indirectly,
27 advertises, promotes, labels or publishes a statement, display, image,
28 offer or announcement of personalized algorithmic pricing to a consumer
29 in New York, using personal data specific to such consumer, shall
30 include with such statement, display, image, offer or announcement, a
31 clear and conspicuous disclosure that states:

32 "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

33 3. Exceptions. Nothing in this section shall apply to:

34 (a) A person, firm, partnership, association, or corporation, or agent
35 or employee thereof, who or that is subject to the insurance law or
36 regulations promulgated thereunder.

37 (b) Any financial institution or affiliate of a financial institution,
38 all as defined in 15 U.S.C. 6809, to the extent that the financial
39 institution or affiliate is subject to Title V of the Gramm Leach Bliley
40 Act (15 U.S.C. § 6801, et seq., as amended) and the rules and implement-
41 ing regulations promulgated thereunder.

42 (c) A financial institution as defined in subsection (f) of section
43 eight hundred one of the financial services law.

44 (d) A price that is offered to a consumer who has an existing
45 subscription-based contract or subscription-based agreement for goods or
46 services with an entity and where such price is less than the price for
47 the same good or service set forth in the subscription-based agreement
48 or subscription-based contract.

49 4. Where the attorney general shall have reason to believe that there
50 is an alleged violation of this section based upon, among other things,
51 a consumer report of an alleged violation, the attorney general, in the
52 name of the people of the state of New York, shall dispatch a cease and
53 desist letter to the entity at issue, specifying the alleged violation
54 or violations and the remedies to cure the violations within a design-
55 ated timeline. Where, after receipt of the cease and desist letter and
56 the expiration of such designated timeline, the entity continues to

violate this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the respondent of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the respondent has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than one thousand dollars for each violation.

This section shall not be construed to limit any other criminal or civil liability such entity may be subject to under law.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

PART Y

Section 1. The banking law is amended by adding a new article 14-B to read as follows:

ARTICLE 14-B

BUY-NOW-PAY-LATER LENDERS

Section 735. Short title.

736. Definitions.

737. License or authorization.

738. Conditions precedent to issuing a license; procedure where application is denied.

739. License provisions and posting.

740. Application for acquisition of control of buy-now-pay-later lender by purchase of stock.

741. Grounds for revocation or suspension of license; procedure.

742. Superintendent authorized to examine.

743. Licensee's books and records; reports.

744. Acts prohibited.

745. Interest and other charges.

746. Consumer protections.

747. Authority of superintendent.

748. Penalties.

749. Severability.

§ 735. Short title. This article shall be known and may be cited as the "buy-now-pay-later act".

§ 736. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Authorized buy-now-pay-later lender" means a buy-now-pay-later lender authorized by the superintendent pursuant to subdivision two of section seven hundred thirty-seven of this article.

2. "Consumer" means an individual who is a resident of the state of New York.

3. "Buy-now-pay-later loan" means closed-end credit provided to a consumer in connection with such consumer's particular purchase of goods and/or services, other than a motor vehicle as defined under section one hundred twenty-five of the vehicle and traffic law. A "buy-now-pay-later loan" does not include credit where the creditor is the seller of such goods and/or services, unless it is credit pursuant to an agreement whereby, at a consumer's request, the creditor purchases a specific good

1 and/or service from a seller and resells such specific good and/or
2 service to such consumer on closed-end credit. A "buy-now-pay-later
3 loan" shall include the following categories of such loans:

4 (a) "Buy-now-pay-later zero-interest loan" means a buy-now-pay-later
5 loan payable in one or more installments without any interest or finance
6 charge;

7 (b) "Buy-now-pay-later installment loan" means a buy-now-pay-later
8 loan with either interest or finance charges or both; and

9 (c) Any other subset of buy-now-pay-later loans the superintendent may
10 classify as a separate category by regulation.

11 4. "Buy-now-pay-later lender" means a person who offers buy-now-pay-
12 later loans in this state. For purposes of the preceding sentence,
13 "offer" means offering to make a buy-now-pay-later loan by extending
14 credit directly to a consumer or operating a platform, software or
15 system with which a consumer interacts and the primary purpose of which
16 is to allow third parties to offer buy-now-pay-later loans, or both. A
17 person shall not be considered a buy-now-pay-later lender on the basis
18 of isolated, incidental or occasional transactions which otherwise meet
19 the definitions of this section.

20 5. "Exempt organization" means any national bank, federal savings
21 bank, federal savings and loan association, federal credit union, feder-
22 al trust company, or foreign banking corporation licensed by the comp-
23 troller of the currency to transact business in this state.

24 6. "Licensee" means a person who has been issued a license under this
25 article.

26 7. "Person" means an individual, partnership, corporation, association
27 or any other business organization.

28 § 737. License or authorization. 1. No person or other entity, except
29 an exempt organization or an authorized buy-now-pay-later lender as
30 defined in this article, shall act as a buy-now-pay-later lender without
31 first obtaining a license from the superintendent under this article.

32 (a) An application for a license shall be in writing, under oath, and
33 in the form and containing such information as the superintendent may
34 require.

35 (b) At the time of filing an application for a license, the applicant
36 shall pay to the superintendent a fee as prescribed pursuant to section
37 eighteen-a of this chapter.

38 (c) A license granted under this article shall be valid unless revoked
39 or suspended by the superintendent or unless surrendered by the licensee
40 and accepted by the superintendent.

41 (d) No licensee or authorized buy-now-pay-later lender shall be
42 permitted to engage in lending of any category of buy-now-pay-later loan
43 not captured by subdivision three of section seven hundred thirty-six of
44 this article without receiving permission from the superintendent to do
45 so.

46 (e) The superintendent shall establish a process by which a licensee
47 or authorized lender may obtain permission to update categories of buy-
48 now-pay-later loans they are permitted to offer to a license or authori-
49 zation under this article, provided that a single license or authori-
50 zation may include multiple categories of buy-now-pay-later loans. A
51 license or authorization granted under this article shall specify the
52 eligible buy-now-pay-later loans and shall be limited to categories of
53 lending in which the lender has been licensed or authorized by the
54 superintendent to engage. Buy-now-pay-later lenders shall not be
55 required to obtain more than one license or authorization for multiple
56 categories of lending. A licensed or authorized buy-now-pay-later lender

1 must clearly and conspicuously disclose to consumers its license or
2 authorization status in accordance with section seven hundred thirty-
3 nine of this article.

4 (f) In connection with an application for a license, the applicant
5 shall submit an affidavit of financial solvency, including financial
6 statements, noting such capitalization requirements and access to such
7 credit or such other affirmation or information as may be prescribed by
8 the regulations of the superintendent for different categories of buy-
9 now-pay-later loans. The applicant shall also submit policies and proce-
10 dures for underwriting such buy-now-pay-later loans.

11 2. Any banking organization, foreign banking corporation licensed by
12 the superintendent to transact business in this state or originating
13 buy-now-pay-later loans from a branch in this state subject to article
14 five-C of this chapter, or a licensed lender licensed by the superinten-
15 dent under article nine of this chapter, other than an exempt organiza-
16 tion, must obtain the superintendent's prior written authorization to
17 act as a buy-now-pay-later lender for specific categories of buy-now-
18 pay-later loans. The superintendent shall establish a process by which
19 an entity described in this subdivision may request such authorization
20 to act as a buy-now-pay-later lender, which process shall include, but
21 not be limited to, requirements that the entity requesting such authori-
22 zation submit a written plan describing the proposed buy-now-pay-later
23 lending, its proposed policies and procedures for complying with the
24 provisions of this article, and the impact on the overall business of
25 the entity. The superintendent shall establish a process for withdrawing
26 an authorization to act as a buy-now-pay-later lender.

27 § 738. Conditions precedent to issuing a license; procedure where
28 application is denied. 1. After the filing of an application for a
29 license accompanied by payment of the fee pursuant to paragraph b of
30 subdivision one of section seven hundred thirty-seven of this article,
31 it shall be substantively reviewed. After the application is deemed
32 sufficient and complete, if the superintendent finds that the financial
33 responsibility, including meeting any capital requirements as estab-
34 lished pursuant to subdivision three of this section, experience, char-
35 acter and general fitness of the applicant or any person associated with
36 the applicant are such as to command the confidence of the community and
37 to warrant the belief that the business will be conducted honestly,
38 fairly and efficiently within the purposes and intent of this article,
39 the superintendent shall issue the license. For the purpose of this
40 subdivision, the applicant shall be deemed to include all the members of
41 the applicant if it is a partnership or unincorporated association or
42 organization, and all the stockholders, officers and directors of the
43 applicant if it is a corporation.

44 2. If the superintendent refuses to issue a license, the superinten-
45 dent shall notify the applicant of the denial and retain the fee paid
46 pursuant to paragraph b of subdivision one of section seven hundred
47 thirty-seven of this article.

48 3. The superintendent shall promulgate rules and regulations setting
49 capital requirements to ensure the solvency and financial integrity of
50 licensees and their ongoing operations, taking into account the risks,
51 volume of business, complexity, and other relevant factors regarding
52 such licensees. Further, the superintendent may promulgate rules and
53 regulations prescribing a methodology to calculate capital requirements
54 with respect to licensees or categories thereof.

55 § 739. License provisions and posting. 1. A license issued under this
56 article shall state the name and address of the licensee, and if the

1 licensee be a co-partnership or association, the names of the members
2 thereof, and for a corporation, the date and place of its incorporation.

3 2. Such license shall be kept conspicuously posted on the mobile
4 application, website, or other consumer interface of the licensee, as
5 well as listed in the terms and conditions of any buy-now-pay-later loan
6 offered or entered into by the licensee. The superintendent may provide
7 by regulation an alternative form of notice of licensure.

8 3. A license issued under this article shall not be transferable or
9 assignable.

10 § 740. Application for acquisition of control of buy-now-pay-later
11 lender by purchase of stock. 1. It shall be unlawful except with the
12 prior approval of the superintendent for any action to be taken which
13 results in a change of control of the business of a licensee. Prior to
14 any change of control, the person desirous of acquiring control of the
15 business of a licensee shall make written application to the superinten-
16 dent and pay an investigation fee as prescribed pursuant to section
17 eighteen-a of this chapter to the superintendent. The application shall
18 contain such information as the superintendent, by regulation, may
19 prescribe as necessary or appropriate for the purpose of making the
20 determination required by subdivision two of this section.

21 2. The superintendent shall approve or disapprove the proposed change
22 of control of a licensee in accordance with the provisions of section
23 seven hundred thirty-eight of this article.

24 3. For a period of six months from the date of qualification thereof
25 and for such additional period of time as the superintendent may
26 prescribe, in writing, the provisions of subdivisions one and two of
27 this section shall not apply to a transfer of control by operation of
28 law to the legal representative, as hereinafter defined, of one who has
29 control of a licensee. Thereafter, such legal representative shall
30 comply with the provisions of subdivisions one and two of this section.
31 The provisions of subdivisions one and two of this section shall be
32 applicable to an application made under such section by a legal repre-
33 sentative.

34 4. The term "legal representative," for the purposes of this section,
35 shall mean one duly appointed by a court of competent jurisdiction to
36 act as executor, administrator, trustee, committee, conservator or
37 receiver, including one who succeeds a legal representative and one
38 acting in an ancillary capacity thereto in accordance with the
39 provisions of such court appointment.

40 5. As used in this section, the term "control" means the possession,
41 directly or indirectly, of the power to direct or cause the direction of
42 the management and policies of a licensee, whether through the ownership
43 of voting stock of such licensee, the ownership of voting stock of any
44 person which possesses such power or otherwise. Control shall be
45 presumed to exist if any person, directly or indirectly, owns, controls
46 or holds with power to vote ten per centum or more of the voting stock
47 of any licensee or of any person which owns, controls or holds with
48 power to vote ten per centum or more of the voting stock of any licen-
49 see, but no person shall be deemed to control a licensee solely by
50 reason of being an officer or director of such licensee or person. The
51 superintendent may in the superintendent's discretion, upon the applica-
52 tion of a licensee or any person who, directly or indirectly, owns,
53 controls or holds with power to vote or seeks to own, control or hold
54 with power to vote any voting stock of such licensee, determine whether
55 or not the ownership, control or holding of such voting stock consti-

1 tutes or would constitute control of such licensee for purposes of this
2 section.

3 § 741. Grounds for revocation or suspension of license; procedure. 1.
4 A license granted under this article may be revoked or suspended by the
5 superintendent upon a finding that:

6 (a) the licensee has violated any applicable law or regulation;

7 (b) any fact or condition exists which, if it had existed at the time
8 of the original application for such license, clearly would have
9 warranted the superintendent's refusal to issue such license; or

10 (c) the licensee has failed to pay any sum of money lawfully demanded
11 by the superintendent or to comply with any demand, ruling or require-
12 ment of the superintendent.

13 2. Any licensee may surrender any license by delivering to the super-
14 intendent written notice that the licensee thereby surrenders such
15 license. Such surrender shall be effective upon its acceptance by the
16 superintendent, and shall not affect such licensee's civil or criminal
17 liability for acts committed prior to such surrender.

18 3. Every license issued under this article shall remain in force and
19 effect until the same shall have been surrendered, revoked or suspended,
20 in accordance with the provisions of this article, but the superinten-
21 dent shall have authority to reinstate suspended licenses or to issue a
22 new license to a licensee whose license has been revoked if no fact or
23 condition then exists which clearly would have warranted the superinten-
24 dent's refusal to issue such license.

25 4. Whenever the superintendent shall revoke or suspend a license
26 issued under this article, the superintendent shall forthwith execute a
27 written order to that effect, which order may be reviewed in the manner
28 provided by article seventy-eight of the civil practice law and rules.
29 Such special proceeding for review as authorized by this section must be
30 commenced within thirty days from the date of such order of suspension
31 or revocation.

32 5. The superintendent may, for good cause, without notice and a hear-
33 ing, suspend any license issued under this article for a period not
34 exceeding thirty days, pending investigation. "Good cause," as used in
35 this subdivision, shall exist only when the licensee has engaged in or
36 is likely to engage in a practice prohibited by this article or the
37 rules and regulations promulgated thereunder or engages in dishonest or
38 inequitable practices which may cause substantial harm to the public.

39 6. No revocation, suspension or surrender of any license shall impair
40 or affect any pre-existing lawful contracts between the licensee and any
41 borrower.

42 § 742. Superintendent authorized to examine. 1. The superintendent
43 shall have the power to make such investigations as the superintendent
44 shall deem necessary to determine whether any buy-now-pay-later lender
45 or any other person has violated any of the provisions of this article
46 or any other applicable law, or whether any licensee has conducted
47 itself in such manner as would justify the revocation of its license,
48 and to the extent necessary therefor, the superintendent may require the
49 attendance of and examine any person under oath, and shall have the
50 power to compel the production of all relevant books, records, accounts,
51 and documents.

52 2. The superintendent shall have the power to make such examinations
53 of the books, records, accounts and documents used in the business of
54 any licensee as the superintendent shall deem necessary to determine
55 whether any such licensee has violated any of the provisions of this

1 chapter or any other applicable law or to secure information lawfully
2 required by the superintendent.

3 § 743. Licensee's books and records; reports. 1. A buy-now-pay-later
4 lender shall keep and use in its business such books, accounts and
5 records as will enable the superintendent to determine whether such
6 buy-now-pay-later lender is complying with the provisions of this arti-
7 cle and with the rules and regulations promulgated by the superintendent
8 thereunder. Every buy-now-pay-later lender shall preserve such books,
9 accounts and records for at least six years after making the final entry
10 in respect to any buy-now-pay-later loan recorded therein; provided,
11 however, the preservation of photographic or digital reproductions ther-
12 eof or records in photographic or digital form shall constitute compli-
13 ance with this requirement.

14 2. By a date to be set by the superintendent, each licensee shall
15 annually file a report with the superintendent giving such information
16 as the superintendent may require concerning the licensee's business and
17 operations during the preceding calendar year within the state under the
18 authority of this article. Such report shall be subscribed and affirmed
19 as true by the licensee under the penalties of perjury and be in the
20 form prescribed by the superintendent. In addition to such annual
21 reports, the superintendent may require of licensees such additional
22 regular or special reports as the superintendent may deem necessary to
23 the proper supervision of licensees under this article. Such additional
24 reports shall be in the form prescribed by the superintendent and shall
25 be subscribed and affirmed as true under the penalties of perjury.

26 § 744. Acts prohibited. 1. No buy-now-pay-later lender shall take or
27 cause to be taken any confession of judgment or any power of attorney to
28 confess judgment or to appear for the consumer in a judicial proceeding.

29 2. No buy-now-pay-later lender shall:

30 (a) employ any scheme, device, or artifice to defraud or mislead a
31 borrower;

32 (b) engage in any deceptive or unfair practice toward any person or
33 misrepresent or omit any material information in connection with the
34 buy-now-pay-later loans, including, but not limited to, misrepresenting
35 the amount, nature or terms of any fee or payment due or claimed to be
36 due on the loan, the terms and conditions of the loan agreement or the
37 borrower's obligations under the loan;

38 (c) misapply payments to the outstanding balance of any buy-now-pay-
39 later loan or to any related fees;

40 (d) provide inaccurate information to a consumer reporting agency; or

41 (e) make any false statement or make any omission of a material fact
42 in connection with any information or reports filed with a governmental
43 agency or in connection with any investigation conducted by the super-
44 intendent or another governmental agency.

45 § 745. Interest and other charges. 1. No buy-now-pay-later lender
46 shall: (a) charge interest unless the rate of interest to be charged is
47 allowable pursuant to its license or authorization; (b) charge interest
48 unless the rate of interest to be charged is clearly disclosed and
49 agreed to by the consumer; or (c) directly or indirectly charge,
50 contract for, or receive any interest, discount, or consideration upon
51 the loan, use, forbearance of money, goods, or things, or inaction, or
52 upon the loan, use, or sale of credit greater than the maximum set by
53 the superintendent pursuant to this section, but in no case greater than
54 the rate permitted by section 5-501 of the general obligations law.

55 2. The superintendent shall establish a maximum cumulative amount of
56 all charges and fees that a buy-now-pay-later lender can charge a

1 consumer in connection with each category of buy-now-pay-later loans.
2 The superintendent shall also establish a maximum amount or percentage
3 for total specific charge or fee in connection with origination, late
4 payment, default or any other violation of the buy-now-pay-later loan
5 agreement, that a buy-now-pay-later lender can charge a consumer for
6 each category of buy-now-pay-later loans. Any such fee or charge shall
7 not be collected more than once for a single such late payment, default,
8 or other violation of the buy-now-pay-later loan agreement.

9 3. The superintendent shall promulgate rules and regulations regarding
10 the manner of charging interest and fees as prescribed as in this
11 section.

12 § 746. Consumer protections. 1. A buy-now-pay-later lender shall
13 disclose or cause to be disclosed to consumers the terms of buy-now-pay-
14 later loans, including, without limitation, the cost, such as interest
15 and fees, repayment schedule, the means by which a consumer may dispute
16 billing practices, whether the transaction will or will not be reported
17 to a credit reporting agency, and other material conditions, in a clear
18 and conspicuous manner. Disclosures shall comply with applicable federal
19 regulations, including but not limited to regulation Z of title I of the
20 Consumer Credit Protection Act.

21 2. Subject to regulations to be promulgated by the superintendent, a
22 buy-now-pay-later lender shall, before providing or causing to be
23 provided a buy-now-pay-later loan to a consumer, perform, or cause to be
24 performed, reasonable risk-based underwriting. A buy-now-pay-later lend-
25 er shall maintain or cause to be maintained policies and procedures for
26 underwriting buy-now-pay-later loans, and shall disclose factors consid-
27 ered in such underwriting process, in a clear and conspicuous manner to
28 the consumer. No buy-now-pay-later lender shall collect, evaluate,
29 report, or maintain in the file on a borrower the credit worthiness,
30 credit standing, or credit capacity of members of the borrower's social
31 network for purposes of determining the credit worthiness of the borrow-
32 er; the average credit worthiness, credit standing, or credit capacity
33 of members of the borrower's social network; or any group score that is
34 not the borrower's own credit worthiness, credit standing, or credit
35 capacity.

36 3. A buy-now-pay-later lender shall maintain or cause to be maintained
37 policies and procedures for maintaining accurate data that may be
38 reported to credit reporting agencies. No buy-now-pay-later lender shall
39 share consumer data in a manner inconsistent with this article and regu-
40 lations promulgated thereto.

41 4. A buy-now-pay-later lender shall provide or cause to be provided
42 refunds or credits for goods or services purchased in connection with a
43 buy-now-pay-later loan, if the consumer requests and is entitled to a
44 refund, in a manner that is fair, transparent, and not unduly burdensome
45 to consumers. A buy-now-pay-later lender shall maintain or cause to be
46 maintained policies and procedures to provide such refunds or credits.
47 Such policies and procedures shall be fair, transparent, and not unduly
48 burdensome to the consumer. A buy-now-pay-later lender shall disclose or
49 cause to be disclosed to consumers, in a clear and conspicuous manner,
50 the process by which they can obtain refunds or credits for goods or
51 services they have purchased in connection with a buy-now-pay-later
52 loan.

53 5. A buy-now-pay-later lender shall resolve or cause to be resolved
54 disputes in a manner that is fair and transparent to consumers. A buy-
55 now-pay-later lender shall create or cause to be created a readily
56 available and prominently disclosed method for consumers to bring a

1 dispute to the buy-now-pay-later lender. A buy-now-pay-later lender
2 shall maintain policies and procedures for handling consumer disputes.
3 The superintendent may promulgate rules and regulations regarding treat-
4 ment of unauthorized use, so that consumers are liable for use of buy-
5 now-pay-later loans in their name only under circumstances where such
6 liability would be fair and reasonable. A buy-now-pay-later lender shall
7 apply to buy-now-pay-later loans the dispute rights and unauthorized
8 charges requirements that apply to credit cards under the Truth in Lend-
9 ing Act, 15 U.S.C. § 1643, 1666, 1666a, 1666i, regardless of whether
10 such law applies to buy-now-pay-later loans or whether the buy-now-pay-
11 later lender offers a credit card within the scope of such law.

12 6. A buy-now-pay-later lender may use, sell, or share the data of a
13 consumer, other than in connection with the making of a particular buy-
14 now-pay-later loan to the consumer, only with the consumer's consent. A
15 buy-now-pay-later lender shall disclose or cause to be disclosed to a
16 consumer in a clear and conspicuous manner how such consumer's data may
17 be used, shared, or sold by the buy-now-pay-later lender before obtain-
18 ing such consumer's consent and also shall disclose or cause to be
19 disclosed to such consumer in a clear and conspicuous manner how such
20 consumer may subsequently withdraw consent to such use, sharing, or
21 sale. The superintendent, in their discretion, may by regulation prohib-
22 it certain uses of consumer data. A buy-now-pay-later lender shall main-
23 tain policies and procedures regarding its use, sale, and sharing of
24 consumers' data. Nothing in this subdivision shall preclude a buy-now-
25 pay-later lender from using information in accordance with the Fair
26 Credit Reporting Act or furnishing credit reporting data to a credit
27 reporting agency.

28 7. Any buy-now-pay-later loan made by a person not licensed or author-
29 ized under this article, other than an exempt organization, shall be
30 void, and such person shall have no right to collect or receive any
31 principal, interest or charge whatsoever.

32 8. Nothing in this section shall be construed to limit the obligations
33 of a buy-now-pay-later lender to comply with any other applicable laws
34 or regulations. Any protections, rights and remedies provided in this
35 section to a consumer with respect to an agreement with a buy-now-pay-
36 later lender shall be intended to supplement and not be exclusive of any
37 protections, rights and remedies otherwise available pursuant to any
38 other law or regulations.

39 § 747. Authority of superintendent. 1. The superintendent is author-
40 ized to promulgate such general rules and regulations as may be appro-
41 priate to implement the provisions of this article, protect consumers,
42 and ensure the solvency and financial integrity of buy-now-pay-later
43 lenders. The superintendent is further authorized to make such specific
44 rulings, demands, and findings as may be necessary for the proper
45 conduct of the business authorized and licensed under and for the
46 enforcement of this article, in addition hereto and not inconsistent
47 herewith.

48 2. In addition to such powers as may otherwise be prescribed by law,
49 the superintendent is hereby authorized and empowered to promulgate such
50 rules and regulations as may in the judgment of the superintendent be
51 consistent with the purposes of this article, or appropriate for the
52 effective administration of this article, including, but not limited to:

53 (a) such rules and regulations in connection with the activities of
54 buy-now-pay-later lenders as may be necessary and appropriate for the
55 protection of borrowers in this state;

1 (b) such rules and regulations as may be necessary and appropriate to
2 define deceptive or unfair practices in connection with the activities
3 of buy-now-pay-later lenders;

4 (c) such rules and regulations as may define the terms used in this
5 article and as may be necessary and appropriate to interpret and imple-
6 ment the provisions of this article; and

7 (d) such rules and regulations as may be necessary for the enforcement
8 of this article.

9 3. When promulgating rules and regulations under this article, the
10 superintendent shall consider the applicability of other articles of
11 this chapter to buy-now-pay-later lenders and buy-now-pay-later loans
12 for the purpose of avoiding conflicting requirements.

13 § 748. Penalties. 1. Any person, including any member, officer, direc-
14 tor or employee of a buy-now-pay-later lender, who violates or partic-
15 ipates in the violation of section seven hundred thirty-seven of this
16 article, or who knowingly makes any incorrect statement of a material
17 fact in any application, report or statement filed pursuant to this
18 article, or who knowingly omits to state any material fact necessary to
19 give the superintendent any information lawfully required by the super-
20 intendent or refuses to permit any lawful investigation or examination,
21 shall be guilty of a misdemeanor and, upon conviction, shall be fined
22 not more than five hundred dollars or imprisoned for not more than six
23 months or both, in the discretion of the court.

24 2. (a) Without limiting any power granted to the superintendent under
25 any other provision of this chapter, the superintendent may, in a
26 proceeding after notice and a hearing require a buy-now-pay-later lend-
27 er, whether or not a licensee, to pay to the people of this state a
28 penalty for any violation of this chapter, any rule or regulation
29 promulgated thereunder, any final or temporary order issued pursuant to
30 section thirty-nine of this chapter, any condition imposed in writing by
31 the superintendent in connection with the grant of any application or
32 request, or any written agreement entered into with the superintendent,
33 and for knowingly making any incorrect statement of a material fact in
34 any application, report or statement filed pursuant to this article, or
35 knowingly omitting to state any material fact necessary to give the
36 superintendent any information lawfully required by the superintendent
37 or refusing to permit any lawful investigation or examination.

38 (b) The superintendent shall not impose or collect any penalty for an
39 act or omission constituting a violation of this article if the super-
40 intendent imposes or collects any penalty pursuant to another provision
41 of this chapter for the same act or omission.

42 (c) The superintendent shall not impose or collect a penalty for an
43 act or omission constituting a violation of this article by a buy-now-
44 pay-later lender more than once for the same act or omission, where the
45 entity extending credit directly to a consumer is different from the
46 entity operating a platform, software, or system with which the consumer
47 interacts, unless both entities are found to have knowingly committed
48 the same act or omission.

49 (d) As to any buy-now-pay-later lender that is not a licensee or an
50 authorized buy-now-pay-later lender, the superintendent is authorized to
51 impose a penalty in the same amount authorized in section forty-four of
52 this chapter for a violation of this chapter by any person licensed,
53 certified, registered, authorized, chartered, accredited, incorporated
54 or otherwise approved by the superintendent under this chapter.

55 3. No person except a buy-now-pay-later lender licensed under this
56 article shall make, directly or indirectly, orally or in writing, or by

1 any method, practice or device, a representation that such person is
2 licensed under this article.

3 § 749. Severability. If any provision of this article or the applica-
4 tion thereof to any person or circumstances is held to be invalid, such
5 invalidity shall not affect other provisions or applications of this
6 article which can be given effect without the invalid provision or
7 application, and to this end the provisions of this article are severa-
8 ble.

9 § 2. Subdivision 1 of section 36 of the banking law, as amended by
10 chapter 146 of the laws of 1961, is amended to read as follows:

11 1. The superintendent shall have the power to examine every banking
12 organization, every bank holding company and any non-banking subsidiary
13 thereof (as such terms "bank holding company" and "non-banking subsid-
14 iary" are defined in article three-A of this chapter) and every licensed
15 lender and licensed buy-now-pay-later lender at any time prior to its
16 dissolution whenever in ~~his~~ the superintendent's judgment such exam-
17 ination is necessary or advisable.

18 § 3. Subdivision 10 of section 36 of the banking law, as amended by
19 section 2 of part L of chapter 58 of the laws of 2019, is amended to
20 read as follows:

21 10. All reports of examinations and investigations, correspondence and
22 memoranda concerning or arising out of such examination and investi-
23 gations, including any duly authenticated copy or copies thereof in the
24 possession of any banking organization, bank holding company or any
25 subsidiary thereof (as such terms "bank holding company" and "subsid-
26 iary" are defined in article three-A of this chapter), any corporation
27 or any other entity affiliated with a banking organization within the
28 meaning of subdivision six of this section and any non-banking subsid-
29 iary of a corporation or any other entity which is an affiliate of a
30 banking organization within the meaning of subdivision six-a of this
31 section, foreign banking corporation, licensed lender, licensed buy-now-
32 pay-later lender, licensed casher of checks, licensed mortgage banker,
33 registered mortgage broker, licensed mortgage loan originator, licensed
34 sales finance company, registered mortgage loan servicer, licensed
35 student loan servicer, licensed insurance premium finance agency,
36 licensed transmitter of money, licensed budget planner, any other person
37 or entity subject to supervision under this chapter, or the department,
38 shall be confidential communications, shall not be subject to subpoena
39 and shall not be made public unless, in the judgment of the superinten-
40 dent, the ends of justice and the public advantage will be subserved by
41 the publication thereof, in which event the superintendent may publish
42 or authorize the publication of a copy of any such report or any part
43 thereof in such manner as may be deemed proper or unless such laws
44 specifically authorize such disclosure. For the purposes of this subdivi-
45 sion, "reports of examinations and investigations, and any correspond-
46 ence and memoranda concerning or arising out of such examinations and
47 investigations", includes any such materials of a bank, insurance or
48 securities regulatory agency or any unit of the federal government or
49 that of this state any other state or that of any foreign government
50 which are considered confidential by such agency or unit and which are
51 in the possession of the department or which are otherwise confidential
52 materials that have been shared by the department with any such agency
53 or unit and are in the possession of such agency or unit.

54 § 4. Subdivisions 3 and 5 of section 37 of the banking law, as amended
55 by chapter 360 of the laws of 1984, are amended to read as follows:

3. In addition to any reports expressly required by this chapter to be made, the superintendent may require any banking organization, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed mortgage banker, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company and any non-banking subsidiary thereof, corporate affiliate of a corporate banking organization within the meaning of subdivision six of section thirty-six of this article and any non-banking subsidiary of a corporation which is an affiliate of a corporate banking organization within the meaning of subdivision six-a of section thirty-six of this article to make special reports to ~~[him]~~ the superintendent at such times as ~~[he]~~ the superintendent may prescribe.

5. The superintendent may extend at ~~[his]~~ the superintendent's discretion the time within which a banking organization, foreign banking corporation licensed by the superintendent to do business in this state, bank holding company or any non-banking subsidiary thereof, licensed casher of checks, licensed mortgage banker, private banker, licensed buy-now-pay-later lender or licensed lender is required to make and file any report to the superintendent.

§ 5. Section 39 of the banking law, as amended by section 3 of part L of chapter 58 of the laws of 2019, is amended to read as follows:

§ 39. Orders of superintendent. 1. To appear and explain an apparent violation. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business or maintain a representative office in this state has violated any law or regulation, ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the superintendent's discretion, issue an order describing such apparent violation and requiring such banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation to appear before ~~[him or her]~~ the superintendent, at a time and place fixed in said order, to present an explanation of such apparent violation.

2. To discontinue unauthorized or unsafe and unsound practices. Whenever it shall appear to the superintendent that any banking organization, bank holding company, registered mortgage broker, licensed mortgage banker, licensed student loan servicer, registered mortgage loan servicer, licensed mortgage loan originator, licensed lender, licensed buy-now-pay-later lender, licensed casher of checks, licensed sales finance company, licensed insurance premium finance agency, licensed transmitter of money, licensed budget planner, out-of-state state bank that maintains a branch or branches or representative or other offices in this state, or foreign banking corporation licensed by the superintendent to do business in this state is conducting business in an

1 unauthorized or unsafe and unsound manner, [~~he or she~~] the superinten-
2 dent may, in [~~his or her~~] the superintendent's discretion, issue an
3 order directing the discontinuance of such unauthorized or unsafe and
4 unsound practices, and fixing a time and place at which such banking
5 organization, bank holding company, registered mortgage broker, licensed
6 mortgage banker, licensed student loan servicer, registered mortgage
7 loan servicer, licensed mortgage loan originator, licensed lender,
8 licensed buy-now-pay-later lender, licensed casher of checks, licensed
9 sales finance company, licensed insurance premium finance agency,
10 licensed transmitter of money, licensed budget planner, out-of-state
11 state bank that maintains a branch or branches or representative or
12 other offices in this state, or foreign banking corporation may volun-
13 tarily appear before [~~him or her~~] the superintendent to present any
14 explanation in defense of the practices directed in said order to be
15 discontinued.

16 3. To make good impairment of capital or to ensure compliance with
17 financial requirements. Whenever it shall appear to the superintendent
18 that the capital or capital stock of any banking organization, bank
19 holding company or any subsidiary thereof which is organized, licensed
20 or registered pursuant to this chapter, is impaired, or the financial
21 requirements imposed by subdivision one of section two hundred two-b of
22 this chapter or any regulation of the superintendent on any branch or
23 agency of a foreign banking corporation or the financial requirements
24 imposed by this chapter or any regulation of the superintendent on any
25 licensed lender, licensed buy-now-pay-later lender, registered mortgage
26 broker, licensed mortgage banker, licensed student loan servicer,
27 licensed casher of checks, licensed sales finance company, licensed
28 insurance premium finance agency, licensed transmitter of money,
29 licensed budget planner or private banker are not satisfied, the super-
30 intendent may, in the superintendent's discretion, issue an order
31 directing that such banking organization, bank holding company, branch
32 or agency of a foreign banking corporation, registered mortgage broker,
33 licensed mortgage banker, licensed student loan servicer, licensed lend-
34 er, licensed buy-now-pay-later lender, licensed casher of checks,
35 licensed sales finance company, licensed insurance premium finance agen-
36 cy, licensed transmitter of money, licensed budget planner, or private
37 banker make good such deficiency forthwith or within a time specified in
38 such order.

39 4. To make good encroachments on reserves. Whenever it shall appear to
40 the superintendent that either the total reserves or reserves on hand of
41 any banking organization, branch or agency of a foreign banking corpo-
42 ration are below the amount required by or pursuant to this chapter or
43 any other applicable provision of law or regulation to be maintained, or
44 that such banking organization, branch or agency of a foreign banking
45 corporation is not keeping its reserves on hand as required by this
46 chapter or any other applicable provision of law or regulation, [~~he or~~
47 ~~she~~] the superintendent may, in [~~his or her~~] the superintendent's
48 discretion, issue an order directing that such banking organization,
49 branch or agency of a foreign banking corporation make good such
50 reserves forthwith or within a time specified in such order, or that it
51 keep its reserves on hand as required by this chapter.

52 5. To keep books and accounts as prescribed. Whenever it shall appear
53 to the superintendent that any banking organization, bank holding compa-
54 ny, registered mortgage broker, licensed mortgage banker, licensed
55 student loan servicer, registered mortgage loan servicer, licensed mort-
56 gage loan originator, licensed lender, licensed buy-now-pay-later lend-

1 er, licensed casher of checks, licensed sales finance company, licensed
2 insurance premium finance agency, licensed transmitter of money,
3 licensed budget planner, agency or branch of a foreign banking corpo-
4 ration licensed by the superintendent to do business in this state, does
5 not keep its books and accounts in such manner as to enable ~~[him or her]~~
6 the superintendent to readily ascertain its true condition, ~~[he or she]~~
7 the superintendent may, in ~~[his or her]~~ the superintendent's discretion,
8 issue an order requiring such banking organization, bank holding compa-
9 ny, registered mortgage broker, licensed mortgage banker, licensed
10 student loan servicer, registered mortgage loan servicer, licensed mort-
11 gage loan originator, licensed lender, licensed buy-now-pay-later lend-
12 er, licensed casher of checks, licensed sales finance company, licensed
13 insurance premium finance agency, licensed transmitter of money,
14 licensed budget planner, or foreign banking corporation, or the officers
15 or agents thereof, or any of them, to open and keep such books or
16 accounts as ~~[he or she]~~ the superintendent may, in ~~[his or her]~~ the
17 superintendent's discretion, determine and prescribe for the purpose of
18 keeping accurate and convenient records of its transactions and
19 accounts.

20 6. As used in this section, "bank holding company" shall have the same
21 meaning as that term is defined in section one hundred forty-one of this
22 chapter.

23 § 6. Subdivision 1 of section 42 of the banking law, as amended by
24 chapter 65 of the laws of 1948, is amended to read as follows:

25 1. The name and the location of the principal office of every proposed
26 corporation, private banker, licensed lender, licensed buy-now-pay-later
27 lender and licensed casher of checks, the organization certificate,
28 private banker's certificate or application for license of which has
29 been filed for examination, and the date of such filing.

30 § 7. Subdivision 2 of section 42 of the banking law, as amended by
31 chapter 553 of the laws of 1960, is amended to read as follows:

32 2. The name and location of every licensed lender, licensed buy-now-
33 pay-later lender and licensed casher of checks, and the name, location,
34 amount of capital stock or permanent capital and amount of surplus of
35 every corporation and private banker and the minimum assets required of
36 every branch of a foreign banking corporation authorized to commence
37 business, and the date of authorization or licensing.

38 § 8. Subdivision 3 of section 42 of the banking law, as amended by
39 chapter 553 of the laws of 1960, is amended to read as follows:

40 3. The name of every proposed corporation, private banker, branch of a
41 foreign banking corporation, licensed lender, licensed buy-now-pay-later
42 lender and licensed casher of checks to which a certificate of authori-
43 zation or a license has been refused and the date of notice of refusal.

44 § 9. Subdivision 4 of section 42 of the banking law, as amended by
45 chapter 60 of the laws of 1957, is amended to read as follows:

46 4. The name and location of every private banker, licensed lender,
47 licensed casher of checks, sales finance company, licensed buy-now-pay-
48 later lender and foreign corporation the authorization certificate or
49 license of which has been revoked, and the date of such revocation.

50 § 10. Subdivision 5 of section 42 of the banking law, as amended by
51 chapter 249 of the laws of 1968, is amended to read as follows:

52 5. The name of every banking organization, licensed lender, licensed
53 casher of checks, licensed buy-now-pay-later lender and foreign corpo-
54 ration which has applied for leave to change its place or one of its
55 places of business and the places from and to which the change is
56 proposed to be made; the name of every banking organization which has

1 applied to change the designation of its principal office to a branch
2 office and to change the designation of one of its branch offices to its
3 principal office, and the location of the principal office which is
4 proposed to be redesignated as a branch office and of the branch office
5 which is proposed to be redesignated as the principal office.

6 § 11. Subdivision 6 of section 42 of the banking law, as amended by
7 chapter 249 of the laws of 1968, is amended to read as follows:

8 6. The name of every banking organization, licensed lender, licensed
9 cashier of checks, licensed buy-now-pay-later lender and foreign corpo-
10 ration authorized to change its place or one of its places of business
11 and the date when and the places from and to which the change is author-
12 ized to be made; the name of every banking organization authorized to
13 change the designation of its principal office to a branch office and to
14 change the designation of a branch office to its principal office, the
15 location of the redesignated principal office and of the redesignated
16 branch office, and the date of such change.

17 § 12. Paragraph (a) of subdivision 1 of section 44 of the banking law,
18 as amended by section 4 of part L of chapter 58 of the laws of 2019, is
19 amended to read as follows:

20 (a) Without limiting any power granted to the superintendent under any
21 other provision of this chapter, the superintendent may, in a proceeding
22 after notice and a hearing, require any safe deposit company, licensed
23 lender, licensed buy-now-pay-later lender, licensed cashier of checks,
24 licensed sales finance company, licensed insurance premium finance agen-
25 cy, licensed transmitter of money, licensed mortgage banker, licensed
26 student loan servicer, registered mortgage broker, licensed mortgage
27 loan originator, registered mortgage loan servicer or licensed budget
28 planner to pay to the people of this state a penalty for any violation
29 of this chapter, any regulation promulgated thereunder, any final or
30 temporary order issued pursuant to section thirty-nine of this article,
31 any condition imposed in writing by the superintendent in connection
32 with the grant of any application or request, or any written agreement
33 entered into with the superintendent.

34 § 13. This act shall take effect on the one hundred eightieth day
35 after the department of financial services shall have promulgated rules
36 and/or regulations to effectuate the provisions of this act; provided
37 that the department of financial services shall notify the legislative
38 bill drafting commission upon the occurrence of the promulgation of the
39 rules and regulations necessary to effectuate and enforce the provisions
40 of section two of this act, in order that the commission may maintain an
41 accurate and timely effective data base of the official text of the laws
42 of the state of New York in furtherance of effectuating the provisions
43 of section 44 of the legislative law and section 70-b of the public
44 officers law. Effective immediately, the addition, amendment and/or
45 repeal of any rule or regulation authorized to be made by the super-
46 intendent pursuant to this act is authorized to be made and completed on
47 or before such effective date.

48 PART Z

49 Section 1. Paragraph 1 of subsection (a) of section 2904 of the insur-
50 ance law, as amended by chapter 128 of the laws of 2022, is amended to
51 read as follows:

52 (1) (i) On or before July first of each year, every pharmacy benefit
53 manager shall report to the superintendent, in a statement subscribed

1 and affirmed as true under penalties of perjury, the information
2 requested by the superintendent including, without limitation,

3 ~~[(i)]~~ (A) any pricing discounts, rebates of any kind, inflationary
4 payments, credits, clawbacks, fees, grants, chargebacks, reimbursements,
5 other financial or other reimbursements, incentives, inducements,
6 refunds or other benefits received by the pharmacy benefit manager;
7 ~~[and]~~

8 ~~[(ii)]~~ (B) the terms and conditions of any contract or arrangement,
9 including other financial or other reimbursements incentives, induce-
10 ments or refunds between the pharmacy benefit manager and any other
11 party relating to pharmacy benefit management services provided to a
12 health plan including but not limited to, dispensing fees paid to phar-
13 macies~~[-]~~;

14 (C) the aggregated dollar amount of rebates, fees, price protection
15 payments and any other payments the pharmacy benefit manager received
16 from drug manufacturers through rebate contracts;

17 (D) the portions of the amount in clause (C) of this subparagraph
18 which were:

19 1. passed on to health plans; or

20 2. retained by the pharmacy benefit manager; and

21 (E) for each rebate contract in effect during the reporting period:

22 1. the names of the contracting parties;

23 2. the execution date and the term of the contract, including exten-
24 sions;

25 3. the name of the drugs and the associated national drug codes
26 covered by the rebate contract, and for each drug:

27 (I) a summary of the contract terms regarding formulary placement,
28 formulary exclusion, or prior authorization requirements or step edits,
29 of any drugs considered to compete with each drug;

30 (II) a summary of all terms requiring or incentivizing volume or
31 market share for each drug, including base rebate amounts, bundled
32 rebates and incremental rebates, stated separately, and price conces-
33 sion, stated separately for each drug; and

34 (III) the total number of prescriptions filled and units dispensed for
35 which a rebate, discount, price concession or other consideration was
36 received by the pharmacy benefit manager for each drug;

37 4. the rebate percentage and dollar amount retained by the pharmacy
38 benefit manager for every rebate, discount, price concession or other
39 consideration under each rebate contract; and

40 5. the dollar amount of any other compensation paid by a drug manufac-
41 turer to a pharmacy benefit manager for services including distribution
42 management services, data or data services, marketing or promotional
43 services, research programs, or other ancillary services, under each
44 rebate contract.

45 (ii) For the purposes of this subsection, the term "rebate contract"
46 means any agreement entered into by a pharmacy benefit manager with any
47 drug manufacturer or agent or affiliate of a drug manufacturer that
48 determines any rebate, discount, administrative or other fee, price
49 concession, or other consideration related to the dispensing of
50 prescription drugs for a health plan.

51 § 2. Severability. If any provision of this act, or any application of
52 any provision of this act, is held to be invalid, that shall not affect
53 the validity or effectiveness of any other provision of this act, or of
54 any other application of any provision of this act.

55 § 3. This act shall take effect on the one hundred eightieth day after
56 it shall have become a law.

1 PART AA

2 Intentionally Omitted

3 PART BB

4 Intentionally Omitted

5 PART CC

6 Section 1. Paragraph 2 of subsection (b) of section 2305 of the insurance law, as amended by chapter 129 of the laws of 2022, is amended to read as follows:

9 (2) motor vehicle insurance, or surety bonds, required by section three hundred seventy of the vehicle and traffic law ~~[or]~~, except as provided in section two thousand three hundred twenty-eight of this article, article forty-four-B of the vehicle and traffic law, or article forty of the general business law;

14 § 2. Section 2328 of the insurance law, as amended by section 1 of part NN of chapter 58 of the laws of 2024, is amended to read as follows:

17 § 2328. ~~[Certain]~~ For hire motor vehicle insurance rates; flexible rating; prior approval. (a) An insurer shall submit to the superintendent, for the superintendent's prior approval, its rates, rating plans, rating rules, and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, by August first, two thousand twenty-five and at least every two years thereafter, unless the superintendent requests the rates, rating plans, rating rules, or rating manuals more frequently. For rates submitted on or before August first, two thousand twenty-five, the superintendent may approve the phasing in of rates that meet the standards set forth in section two thousand three hundred three of this article if the superintendent determines that it would be in the best interests of the people of this state.

30 ~~[No]~~ (b) Except as provided in subsection (c) of this section, no changes in rates, rating plans, rating rules and rate manuals applicable to motor vehicle insurance, including no-fault coverages under article fifty-one of this chapter, shall be made effective until approved by the superintendent, notwithstanding any inconsistent provisions of this article.

36 (c) Starting December first, two thousand twenty-five, overall average (for all coverages combined) rate level increases above an insurer's rates in effect that are up to a percentage specified in a regulation promulgated by the superintendent but not to exceed five percent during any twelve-month period, may take effect without the superintendent's prior approval after submitting an informational filing pursuant to section two thousand three hundred ten of this article. An insurer shall not implement more than two rate increases pursuant to this section, the total of which shall not exceed the limitation specified in a regulation, during any twelve-month period. An insurer also shall not implement a rate increase within the limitation specified in a regulation until the onset of the new policy period and unless the insurer, at least thirty but not more than sixty days in advance of the end of the policy period, mails or delivers to the named insured, at the

1 address shown in the policy, a written notice of its intention to change
2 the rate. The specific reason or reasons for the rate change shall be
3 stated in or shall accompany the notice. An insurer shall not implement
4 a rate change under this subsection when the insurer: (1) has submitted
5 a rate filing under subsection (a) of this section and the superinten-
6 dent has not yet approved it; or (2) is in the process of phasing in its
7 rates pursuant to the superintendent's approval under subsection (a) of
8 this section.

9 (d) The superintendent shall monitor the degree and continued exist-
10 ence of competition and the effectiveness of flexible rating in this
11 state on an on-going basis. In doing so, the superintendent shall
12 utilize the following standards or factors:

13 (1) the standards contained in section two thousand three hundred
14 eight of this article;

15 (2) existing relevant information, analytical systems and other sourc-
16 es, or rely on some combination thereof;

17 (3) the number of insurers or group of affiliated insurers actively
18 engaged in providing coverage, taking into account the specialization
19 traditionally required for insurance in the particular rating territory;

20 (4) measures of market concentration and changes of market concen-
21 tration over time, which may include the use of Herfindahl-Hirschman
22 Index (HHI) and the United States Department of Justice merge guidelines
23 for an unconcentrated market ease of entry, and the existence of finan-
24 cial or economical barriers that could prevent new firms from entering
25 the market;

26 (5) the extent to which any insurer or group of affiliated insurers
27 controls all or a dominant portion of the market has actively sought to
28 prevent competition;

29 (6) whether the total number of companies writing the line of insur-
30 ance in this state is sufficient to provide multiple options;

31 (7) the availability of insurance coverage to consumers;

32 (8) the opportunities available to consumers in the market to acquire
33 pricing and other consumer information; and

34 (9) any other factors relevant to inquiry.

35 Such activities may be conducted internally within the department, in
36 cooperation with other state insurance departments, through outside
37 contractors and/or in any other appropriate manner, provided that the
38 department shall report to the speaker of the assembly, temporary presi-
39 dent of the senate, and governor on the effectiveness of flexible rating
40 on the for hire motor vehicle market by December first, two thousand
41 twenty-seven and every two years thereafter.

42 (e) This section shall apply only to policies covering losses or
43 liabilities arising out of ownership of a motor vehicle used principally
44 for the transportation of persons for hire, including a bus or a school
45 bus as defined in sections one hundred four and one hundred forty-two of
46 the vehicle and traffic law, provided, however, that subsections (a) and
47 (c) of this section shall not apply to a bus or a school bus as defined
48 in sections one hundred four and one hundred forty-two of the vehicle
49 and traffic law.

50 § 3. This act shall take effect immediately.

51 PART DD

52 Intentionally Omitted

1

PART EE

2 Section 1. Subdivision 3 of section 16-m of section 1 of chapter 174
3 of the laws of 1968 constituting the New York state urban development
4 corporation act, as amended by section 1 of part Z of chapter 58 of the
5 laws of 2024, is amended to read as follows:

6 3. The provisions of this section shall expire, notwithstanding any
7 inconsistent provision of subdivision 4 of section 469 of chapter 309 of
8 the laws of 1996 or of any other law, on July 1, [~~2025~~] 2026.

9 § 2. This act shall take effect immediately.

10

PART FF

11 Section 1. Section 2 of chapter 393 of the laws of 1994, amending the
12 New York state urban development corporation act, relating to the powers
13 of the New York state urban development corporation to make loans, as
14 amended by section 1 of part AA of chapter 58 of the laws of 2024, is
15 amended to read as follows:

16 § 2. This act shall take effect immediately provided, however, that
17 section one of this act shall expire on July 1, [~~2025~~] 2026, at which
18 time the provisions of subdivision 26 of section 5 of the New York state
19 urban development corporation act shall be deemed repealed; provided,
20 however, that neither the expiration nor the repeal of such subdivision
21 as provided for herein shall be deemed to affect or impair in any manner
22 any loan made pursuant to the authority of such subdivision prior to
23 such expiration and repeal.

24 § 2. This act shall take effect immediately.

25

PART GG

26 Section 1. Section 2 of part BB of chapter 58 of the laws of 2012
27 amending the public authorities law, relating to authorizing the dormi-
28 tory authority to enter into certain design and construction management
29 agreements, as amended by section 1 of part LL of chapter 58 of the laws
30 of 2023, is amended to read as follows:

31 § 2. This act shall take effect immediately and shall expire and be
32 deemed repealed April 1, [~~2025~~] 2027.

33 § 2. The dormitory authority of the state of New York shall provide a
34 report providing information regarding any project undertaken pursuant
35 to a design and construction management agreement, as authorized by part
36 BB of chapter 58 of the laws of 2012, between the dormitory authority of
37 the state of New York and the department of environmental conservation
38 and/or the office of parks, recreation and historic preservation to the
39 governor, the temporary president of the senate and speaker of the
40 assembly. Such report shall include but not be limited to a description
41 of each such project, the project identification number of each such
42 project, if applicable, the projected date of completion, the status of
43 the project, the total cost or projected cost of each such project, and
44 the location, including the names of any county, town, village or city,
45 where each such project is located or proposed. In addition, such a
46 report shall be provided to the aforementioned parties by the first day
47 of March of each year that the authority to enter into such agreements
48 pursuant to part BB of chapter 58 of the laws of 2012 is in effect.

49 § 3. This act shall take effect immediately and shall be deemed to
50 have been in full force and effect on and after April 1, 2025.

1 PART HH

2 Intentionally Omitted

3 PART II

4 Intentionally Omitted

5 PART JJ

6 Intentionally Omitted

7 PART KK

8 Section 1. The opening paragraph of subdivision (h) of section 121 of
9 chapter 261 of the laws of 1988, amending the state finance law and
10 other laws relating to the New York state infrastructure trust fund, as
11 amended by section 1 of part Y of chapter 58 of the laws of 2024, is
12 amended to read as follows:

13 The provisions of sections sixty-two through sixty-six of this act
14 shall expire and be deemed repealed on July first, two thousand [~~twen-~~
15 ~~ty-five~~] twenty-eight, except that:

16 § 1-a. Section 312-a of the executive law is amended by adding a new
17 subdivision 3 to read as follows:

18 3. The director of the division of minority and women-owned business
19 development is authorized and directed to commission a policy study
20 analyzing potential ways to improve the effectiveness of the state
21 minority and women-owned business enterprise program in order to better
22 help minority and women-owned businesses, to be delivered to the gover-
23 nor and legislature. The study shall be prepared by an entity independ-
24 ent of the department of economic development and selected through a
25 request for proposal process. The purpose of such study shall be to
26 provide recommendations to further strengthen and increase the effec-
27 tiveness of the state minority and women-owned business enterprise
28 program. The director of the division of minority and women's business
29 development is directed to transmit the policy study to the governor and
30 the legislature not later than May first, two thousand twenty-seven, and
31 to post the study on the website of the department of economic develop-
32 ment.

33 § 2. This act shall take effect immediately; provided, however, that
34 the amendments to section 312-a of the executive law made by section
35 one-a of this act shall not affect the repeal of such section and shall
36 be deemed repealed therewith.

37 PART LL

38 Section 1. Section 214 of the state finance law, as amended by section
39 1 of part P of chapter 59 of the laws of 2007, is amended to read as
40 follows:

41 § 214. Establishment and purpose; linked deposit program authori-
42 zation. The excelsior linked deposit program is hereby created. The
43 purpose of the program is to encourage and assist eligible businesses
44 within the state to undertake eligible projects that will materially

1 contribute to improving their performance and competitiveness. The comp-
2 troller is hereby authorized to use any moneys of the state the comp-
3 troller is authorized to invest pursuant to section ninety-eight-a of
4 this chapter as linked deposits for the program. Not more than [~~four~~
5 ~~hundred sixty million~~] one billion dollars of such moneys shall be on
6 deposit pursuant to the program at any given time. The commissioner of
7 taxation and finance is hereby authorized to use funds in the linked
8 deposit program fund established pursuant to section ninety-two-v of
9 this chapter as linked deposits for the program. Not more than one
10 hundred million dollars from the linked deposit program fund shall be on
11 deposit pursuant to the program at any given time.

12 § 2. This act shall take effect immediately.

13 PART MM

14 Section 1. Paragraph (d) of subdivision 6 of section 163 of the state
15 finance law, as amended by chapter 110 of the laws of 2024, is amended
16 to read as follows:

17 (d) state agencies may purchase commodities or services from those
18 certified pursuant to article fifteen-A of the executive law and article
19 three of the veterans' services law in an amount not exceeding [~~seven~~
20 one million five hundred [~~fifty~~] thousand dollars without a formal
21 competitive process; and

22 § 1-a. Subdivision 6-d of section 163 of the state finance law, as
23 amended by section 28 of part PP of chapter 56 of the laws of 2022, is
24 amended to read as follows:

25 6-d. Pursuant to the authority provided in subdivision six of this
26 section, state agencies shall report annually on a fiscal year basis by
27 July first of the ensuing year to the director of the division of minor-
28 ity and women-owned business development the total number and total
29 value of contracts awarded to businesses certified pursuant to article
30 fifteen-A of the executive law, and with respect to contracts awarded to
31 businesses certified pursuant to article three of the veterans' services
32 law such information shall be reported to the division of service-dis-
33 abled veteran-owned business enterprises for inclusion in their respec-
34 tive annual reports. Additionally, such report from state agencies
35 shall clearly distinguish contracts entered into using the authority
36 provided under paragraph (d) of subdivision six of this section, includ-
37 ing the number of contracts, the percentage of the total dollar value of
38 contracts awarded to minority and women-owned business entities and
39 service disabled and veteran-owned business entities relative to the
40 previous fiscal year's total awards for all commodities and services and
41 services purchases, a comparison of the percentage of procurements
42 awarded pursuant to such paragraph during the fiscal year relative to
43 the percentage of such purchases awarded in the previous fiscal year, a
44 comparison of the participation rate and total dollar value of awards to
45 minority and women-owned business enterprises and service-disabled
46 veteran-owned businesses using the expanded authority under such para-
47 graph relative to such participation rate and total dollar value of
48 awards pursuant to the previous authorization levels.

49 § 2. Subparagraph (i) of paragraph (b) of subdivision 3 of section
50 2879 of the public authorities law, as amended by chapter 96 of the laws
51 of 2019, is amended to read as follows:

52 (i) for the selection of such contractors on a competitive basis, and
53 provisions relating to the circumstances under which the board may by
54 resolution waive competition, including, notwithstanding any other

1 provision of law requiring competition, the purchase of goods or
2 services from: (A) small business concerns [~~those certified as minority~~
3 ~~or women-owned business enterprises~~], or sellers of goods or technology
4 that are recycled or remanufactured, or, for corporations not defined as
5 a state authority in section three hundred ten of the executive law,
6 those certified as minority or women-owned business enterprises in an
7 amount not to exceed five hundred thousand dollars without a formal
8 competitive process, and (B) for corporations defined as a state author-
9 ity in section three hundred ten of the executive law those certified as
10 minority or women-owned business enterprises and service-disabled veter-
11 an-owned business enterprises for any state authority as defined in
12 section forty of the veterans' services law, in an amount not to exceed
13 one million five hundred thousand dollars without a formal competitive
14 process;

15 § 3. Paragraph (a) of subdivision 8 of section 2879 of the public
16 authorities law, as amended by chapter 96 of the laws of 2019, is
17 amended to read as follows:

18 (a) Each corporation shall annually submit its report on procurement
19 contracts to the division of the budget and copies thereof to the
20 department of audit and control, the department of economic development,
21 the senate finance committee and the assembly ways and means committee.
22 Such report shall include the total number and total dollar value of
23 contracts awarded to certified minority and women-owned business enter-
24 prises pursuant to subparagraph (i) of paragraph (b) of subdivision
25 three of this section, shall distinguish by contract type awards made
26 pursuant to the authority provided under subparagraph (i) of paragraph
27 (b) of subdivision three of this section, and shall additionally speci-
28 fy by contract type awarded pursuant to clause (B) of subparagraph (i)
29 of paragraph (b) of subdivision three of this section and specify the
30 total number, total dollar value and the percentage of the total dollar
31 value of contracts awarded to minority and women-owned business entities
32 and service disabled and veteran-owned business entities for the report-
33 ing period, as compared to the prior reporting year. Further, such
34 report shall specify the total number, total dollar value and percentage
35 of contracts that exceed five hundred thousand dollars awarded to minor-
36 ity and women owned business enterprises and service-disabled veteran-
37 owned businesses for the reporting period as compared to the prior
38 reporting period.

39 § 4. This act shall take effect immediately; provided, however, that
40 the amendments to section 163 of the state finance law made by sections
41 one and one-a of this act shall not affect the repeal of such section
42 and shall be deemed repealed therewith.

43 PART NN

44 Section 1. Subsections (e) and (g) of section 7002 of the insurance
45 law, as amended by chapter 193 of the laws of 2022, are amended to read
46 as follows:

47 (e) "Industrial insured" means an insured:

48 (1) whose net worth exceeds one hundred million dollars;

49 (2) who is a member of a holding company system whose net worth
50 exceeds one hundred million dollars;

51 (3) who is the metropolitan transportation authority and its statutory
52 subsidiaries. When filing an application to form a pure captive insur-
53 ance company the metropolitan transportation authority shall submit

1 written notice of such filing to the governor, the temporary president
2 of the senate and the speaker of the assembly;

3 (4) who is the power authority of the state of New York and any statu-
4 tory subsidiary thereof. When filing an application to form a pure
5 captive insurance company the power authority shall submit written
6 notice of such filing to the governor, the temporary president of the
7 senate and the speaker of the assembly; ~~[or]~~

8 (5) who is the New York convention center operating corporation, or
9 any statutory subsidiary thereof formed pursuant to section twenty-five
10 hundred sixty-four of the public authorities law. When filing an appli-
11 cation to form a pure captive insurance company, the corporation shall
12 submit written notice of such filing to the governor, the temporary
13 president of the senate and the speaker of the assembly; or

14 (6) who is a city with a population of one million or more. When
15 filing an application to form a pure captive insurance company, a city
16 with a population of one million or more shall submit written notice of
17 such filing to the governor, the temporary president of the senate and
18 the speaker of the assembly.

19 (g) "Industrial insured group" means any group of unaffiliated indus-
20 trial insureds that are engaged in similar or related businesses or
21 activities, however, the metropolitan transportation authority, the
22 power authority of the state of New York, the New York convention center
23 operating corporation and any statutory subsidiary thereof and cities
24 with a population of one million or more shall not be a member of an
25 industrial insured group, and that collectively:

26 (1) own, control or hold with power to vote all of the outstanding
27 voting shares of stock of a group captive insurance company incorporated
28 as a stock insurer; or

29 (2) represent one hundred percent of the voting members of a group
30 captive insurance company organized as a mutual insurer.

31 § 2. Subdivisions 2 and 3 of section 2564 of the public authorities
32 law, subdivision 2 as amended by chapter 3 of the laws of 2004 and
33 subdivision 3 as added by chapter 35 of the laws of 1979, are amended
34 and a new subdivision 4 is added to read as follows:

35 2. To approve the plan and design of the convention center project as
36 required by a chapter of the laws of nineteen hundred seventy-nine and
37 the plan and design of the expansion project and any convention hotel
38 financed by ~~[the]~~ chapter three of the laws of two thousand four ~~[which~~
39 ~~amended this subdivision]~~; ~~[and]~~

40 3. To transfer or otherwise make available to the subsidiary of New
41 York state urban development corporation organized pursuant to said
42 chapter of the laws of nineteen hundred seventy-nine, without consider-
43 ation and when and as requested by said subsidiary, any or all rights,
44 property and assets which shall have been transferred to the corporation
45 pursuant to section twenty-two-a of chapter ten hundred eleven of the
46 laws of nineteen hundred seventy-one as added by section eighteen of
47 said chapter of the laws of nineteen hundred seventy-nine~~[-]~~; and

48 4. To establish a subsidiary for the purposes of forming a pure
49 captive insurance company as provided in section seven thousand two of
50 the insurance law. Prior to forming such captive insurance company, the
51 corporation or its subsidiary shall complete a feasibility study includ-
52 ing, but not limited to, an analysis of the actuarial risks and feasi-
53 bility associated with the creation of the insurance captive, a measure-
54 ment of value of such insurance captives relative to financing risk
55 utilizing commercial insurance or self-financing, including in the
56 aggregate and by respective insurance type, the advantages and disadvan-

tages of potential insurance captive structures, and a domicile analysis. Such feasibility study shall be provided to the temporary president of the senate, the speaker of the assembly, and the governor upon completion, and shall be conducted by an independent risk consultant firm or captive insurance broker licensed by the state to perform such duties. Such related risk consultant firm, captive insurance broker, or any subsidiaries or affiliates thereof shall be prohibited from providing any management services for the captive insurance company for the corporation for no less than five years from the date of completing the study.

§ 3. Subdivision (a) of section 1500 of the tax law, as amended by chapter 193 of the laws of 2022, is amended to read as follows:

(a) The term "insurance corporation" includes a corporation, association, joint stock company or association, person, society, aggregation or partnership, by whatever name known, doing an insurance business, and, notwithstanding the provisions of section fifteen hundred twelve of this article, shall include (1) a risk retention group as defined in subsection (n) of section five thousand nine hundred two of the insurance law, (2) the state insurance fund and (3) a corporation, association, joint stock company or association, person, society, aggregation or partnership doing an insurance business as a member of the New York insurance exchange described in section six thousand two hundred one of the insurance law. The definition of the "state insurance fund" contained in this subdivision shall be limited in its effect to the provisions of this article and the related provisions of this chapter and shall have no force and effect other than with respect to such provisions. The term "insurance corporation" shall also include a captive insurance company doing a captive insurance business, as defined in subsections (c) and (b), respectively, of section seven thousand two of the insurance law; provided, however, "insurance corporation" shall not include the metropolitan transportation authority, the power authority of New York or any statutory subsidiary thereof, the New York convention center operating corporation or any statutory subsidiary thereof, or a public benefit corporation or not-for-profit corporation formed by a city with a population of one million or more pursuant to subsection (a) of section seven thousand five of the insurance law, each of which is expressly exempt from the payment of fees, taxes or assessments, whether state or local; and provided further "insurance corporation" does not include any combinable captive insurance company. The term "insurance corporation" shall also include an unauthorized insurer operating from an office within the state, pursuant to paragraph five of subsection (b) of section one thousand one hundred one and subsection (i) of section two thousand one hundred seventeen of the insurance law. The term "insurance corporation" also includes a health maintenance organization required to obtain a certificate of authority under article forty-four of the public health law.

§ 4. Subdivision (a) of section 1502-b of the tax law, as amended by chapter 193 of the laws of 2022, is amended to read as follows:

(a) In lieu of the taxes and tax surcharge imposed by sections fifteen hundred one, fifteen hundred two-a, fifteen hundred five-a, and fifteen hundred ten of this article, every captive insurance company licensed by the superintendent of financial services pursuant to the provisions of article seventy of the insurance law, other than the metropolitan transportation authority, the power authority of New York or any statutory subsidiary thereof, the New York convention center operating corporation or any statutory subsidiary thereof, and a public benefit corporation or

1 not-for-profit corporation formed by a city with a population of one
2 million or more pursuant to subsection (a) of section seven thousand
3 five of the insurance law, each of which is expressly exempt from the
4 payment of fees, taxes or assessments whether state or local, and other
5 than combinable captive insurance company, shall, for the privilege of
6 exercising its corporate franchise, pay a tax on (1) all gross direct
7 premiums, less return premiums thereon, written on risks located or
8 resident in this state and (2) all assumed reinsurance premiums, less
9 return premiums thereon, written on risks located or resident in this
10 state. The rate of the tax imposed on gross direct premiums shall be
11 four-tenths of one percent on all or any part of the first twenty
12 million dollars of premiums, three-tenths of one percent on all or any
13 part of the second twenty million dollars of premiums, two-tenths of one
14 percent on all or any part of the third twenty million dollars of premi-
15 ums, and seventy-five thousandths of one percent on each dollar of
16 premiums thereafter. The rate of the tax on assumed reinsurance premiums
17 shall be two hundred twenty-five thousandths of one percent on all or
18 any part of the first twenty million dollars of premiums, one hundred
19 and fifty thousandths of one percent on all or any part of the second
20 twenty million dollars of premiums, fifty thousandths of one percent on
21 all or any part of the third twenty million dollars of premiums and
22 twenty-five thousandths of one percent on each dollar of premiums there-
23 after. The tax imposed by this section shall be equal to the greater of
24 (i) the sum of the tax imposed on gross direct premiums and the tax
25 imposed on assumed reinsurance premiums or (ii) five thousand dollars.

26 § 5. This act shall take effect immediately.

27 PART 00

28 Intentionally Omitted

29 PART PP

30 Section 1. Subdivision 11 of section 27-1901 of the environmental
31 conservation law, as added by section 3 of part V1 of chapter 62 of the
32 laws of 2003, is amended to read as follows:

33 11. "Tire service" means any person or business ~~[in New York state]~~
34 who sells or installs new tires for use on any vehicle and any person or
35 business who engages in the retail sale of new motor vehicles. ~~[A person~~
36 ~~who is not the end point of sale and any governmental agency or poli-~~
37 ~~tical subdivision are excluded from this term]~~ The United States of
38 America and any of its agencies and instrumentalities, and New York
39 state and any of its agencies, instrumentalities, public corporations,
40 or political subdivisions are excluded from this term.

41 § 2. Section 27-1905 of the environmental conservation law, as amended
42 by section 1 of part E1 of chapter 63 of the laws of 2003, subdivision 1
43 and the opening paragraph of subdivision 2 as amended by section 1 of
44 part MM of chapter 58 of the laws of 2022, subdivision 2 as amended by
45 section 1 of part T of chapter 58 of the laws of 2016 and subdivision 3
46 as added by chapter 200 of the laws of 2008, is amended to read as
47 follows:

48 § 27-1905. Mandatory tire acceptance; notices.

49 ~~[Any tire service shall:]~~

1. [Until] A tire service that maintains a physical retail location in the state shall, until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven:

(a) accept from a customer, waste tires of approximately the same size and in a quantity equal to the number of new tires purchased or installed by the customer; ~~[and~~

~~2. Until December thirty-first, two thousand twenty-five,]~~

(b) post written notice in a prominent location, which must be at least eight and one-half inches by fourteen inches in size and contain the following language:

"New York State law requires us to accept and manage waste tires from vehicles in exchange for an equal number of new tires that we sell or install. Tire retailers are required to charge a separate and distinct waste tire management and recycling fee of \$2.50 for each new tire sold.

The retailers in addition are authorized, at their sole discretion, to pass on waste tire management and recycling costs to tire purchasers. Such costs may be included as part of the advertised price of the new tire, or charged as a separate per-tire charge in an amount not to exceed \$2.50 on each new tire sold."

The written notice shall also contain one of the following statements at the end of the aforementioned language and as part of the notice, which shall accurately indicate the manner in which the tire service charges for waste tire management and recycling costs, and the amount of any charges that are separately invoiced for such costs:

"Our waste tire management and recycling costs are included in the advertised price of each new tire.", or

"We charge a separate per-tire charge of \$____ on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs."; and

~~[3. Any]~~ (c) ensure that any retail advertisement of promotional material provided by or on behalf of the tire service that lists a tire price which does not include waste tire management and recycling costs ~~[shall contain]~~ contains one of the following statements conspicuously located in or on the advertisement and in the same font as the advertised price of the tire: "Additional fees relating to tire management and recycling costs may apply," or, "We charge a separate per-tire charge of \$____ on each new tire sold that will be listed on your invoice to cover our waste tire management and recycling costs where applicable." Where the latter statement is used, it shall list the amount of the separate per-tire charge.

2. A tire service that does not maintain a physical retail location in the state shall, until December thirty-first, two thousand twenty-seven make viewable to a customer in the state a statement, prior to the purchase of new tires, that contains the following language:

"New York state law requires tire retailers to charge a separate and distinct waste tire management and recycling fee of \$2.50 for each new tire sold."

§ 3. Subdivisions 1, 2 and 3 of section 27-1913 of the environmental conservation law, subdivisions 1 and 2 as amended by section 2 and subdivision 3 as amended by section 3 of part MM of chapter 58 of the laws of 2022, are amended to read as follows:

1. Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, a waste tire management and recycling fee of two dollars and fifty cents shall be charged on each new tire sold. The fee shall be paid by the purchaser to the tire service at the time the new tire or new motor vehicle is purchased; provided, however, that the fee shall be paid by a

purchaser to a tire service upon installation of new tires unless the purchaser can demonstrate that the fee was previously paid to the seller.

The waste tire management and recycling fee does not apply to[÷

~~(a)] recapped [or resold] tires[÷~~

~~(b) mail order sales; or~~

~~(c) the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to such fee].~~

2. Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, the tire service shall collect the waste tire management and recycling fee from the purchaser at the time of the sale and shall remit such fee to the department of taxation and finance with the quarterly report filed pursuant to subdivision three of this section.

(a) The fee imposed shall be stated as an invoice item separate and distinct from the selling price of the tire.

(b) ~~[The]~~ A tire service that maintains a physical retail location in the state shall be entitled to retain an allowance of twenty-five cents per tire from fees collected.

3. Each tire service ~~[maintaining a place of business in this state]~~ that is a "person required to collect tax" as defined in section eleven hundred thirty-one of the tax law shall make a return to the department of taxation and finance on such form and including such information as the commissioner of taxation and finance may require. Such returns shall be due at the same time and for the same periods as the sales tax return of such tire service, in accordance with section eleven hundred thirty-six of the tax law, and payment of all fees due for such periods shall be remitted with such returns.

§ 4. Paragraph (a) of subdivision 6 of section 27-1913 of the environmental conservation law, as amended by section 2 of part MM of chapter 58 of the laws of 2022, is amended to read as follows:

(a) Until December thirty-first, two thousand ~~[twenty-five]~~ twenty-seven, any additional waste tire management and recycling costs of the tire service in excess of the amount authorized to be retained pursuant to paragraph (b) of subdivision two of this section may be included in the published selling price of the new tire, or charged as a separate per-tire charge on each new tire sold. When such costs are charged as a separate per-tire charge: (i) such charge shall be stated as an invoice item separate and distinct from the selling price of the tire; (ii) the invoice shall state that the charge is imposed at the sole discretion of the tire service; and (iii) the amount of such charge shall reflect the actual cost to the tire service for the management and recycling of waste tires accepted by the tire service pursuant to section 27-1905 of this title, provided however, that in no event shall such charge exceed two dollars and fifty cents on each new tire sold.

§ 5. This act shall take effect September 1, 2025.

PART QQ

Section 1. Section 2 of part ZZ of chapter 55 of the laws of 2021 amending the environmental conservation law relating to establishing a deer hunting pilot program, as amended by section 2 of part RR of chapter 58 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect June 1, 2021 and shall expire and be deemed repealed December 31, ~~[2025]~~ 2028.

§ 2. This act shall take effect immediately.

1

PART RR

2 Section 1. Section 27-1301 of the environmental conservation law is
3 amended by adding five new subdivisions 8, 9, 10, 11 and 12 to read as
4 follows:

5 8. "Natural resource damages" means the amount of money sought as
6 compensation for injury to, destruction of, or loss of natural
7 resources, including the reasonable costs of assessing such injury,
8 destruction, or loss resulting from the disposal of hazardous waste at
9 an inactive hazardous waste disposal site. Damages may also include the
10 value of the natural resource services lost for the time period from the
11 disposal until the attainment of such restoration, rehabilitation,
12 replacement, and/or acquisition of equivalent natural resources.

13 9. "Natural resources" means land, fish, wildlife, biota, air, water,
14 and other such resources belonging to, managed by, held in trust by,
15 appertaining to, or otherwise controlled by the state or a municipality.

16 10. "Response costs" means the state's costs of developing, implement-
17 ing, and/or overseeing an inactive hazardous waste disposal site remedi-
18 al program.

19 11. "Responsible person" or "person responsible" for the disposal of
20 hazardous waste at a site means:

21 (a) any person who currently owns or operates a site or any portion
22 thereof except for a volunteer, as defined in subdivision one of section
23 27-1405 of this article, that is participating under a brownfield clean-
24 up agreement pursuant to section 27-1407 of this article, that is in
25 full compliance with the requirements of this chapter with respect ther-
26 eto, and is not engaging with the department in bad faith with respect
27 to any provisions of this title;

28 (b) any person who owned or operated a site or any portion thereof at
29 the time of disposal of the hazardous waste;

30 (c) any person who generated any hazardous waste disposed at a site;

31 (d) any person who transported any hazardous waste to a site selected
32 by such person;

33 (e) any person who disposed of any hazardous waste at a site;

34 (f) any person who arranged for:

35 (i) the transportation of any hazardous waste to a site; or

36 (ii) the disposal of any hazardous waste at a site; and

37 (g) any other person who is responsible according to the applicable
38 principles of statutory or common law liability pursuant to subdivision
39 four of section 27-1313 of this title and/or the Comprehensive Environ-
40 mental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §
41 9601 et seq.

42 12. "Disadvantaged community" shall have the same meaning as subdivi-
43 sion five of section 75-0101 of this chapter.

44 § 2. Subdivisions 1, 2 and 3 of section 27-1303 of the environmental
45 conservation law, as added by chapter 282 of the laws of 1979 and subdivi-
46 sion 1 as amended by section 2 of part E of chapter 1 of the laws of
47 2003, are amended to read as follows:

48 1. a. For a period of one year after the effective date of the chapter
49 of the laws of two thousand three designating and amending this para-
50 graph, each county shall, for the purpose of locating inactive hazardous
51 waste disposal sites, as that term was defined on January first, two
52 thousand three, survey its jurisdiction to determine the existence and
53 location of suspected inactive hazardous waste disposal sites and shall
54 annually thereafter submit a report to the department describing the
55 location of each such suspected site and the reasons for such suspicion.

b. Commencing one year after the effective date of this paragraph, each county shall, for the purpose of locating inactive hazardous waste disposal sites, survey its jurisdiction to determine the existence and location of suspected inactive hazardous waste disposal sites and shall, after consultation with all cities, towns, and villages within its jurisdiction, annually thereafter submit a report to the department describing the location of each such suspected site and the reasons for such suspicion.

2. Each county, after consultation with all cities, towns, and villages within its jurisdiction, shall review the information concerning such county in the registry established pursuant to section 27-1305 of this article and shall, on or before September first, nineteen hundred eighty, and annually thereafter on the first day of September of each succeeding year, provide the department with any information which might correct or supplement the information in such registry with respect to suspected inactive hazardous waste disposal sites within the jurisdiction of such county.

3. ~~[Nothing contained within this section shall (a) preclude a county from cooperating]~~ Counties shall cooperate and coordinate with local jurisdictions, regional organizations or state agencies to fulfill its responsibilities under subdivisions one and two of this section ~~[(b)]~~. Nothing contained within this section shall reduce the powers or responsibilities of any county, other local jurisdiction, regional organization or state agency to identify, investigate, assess or monitor any inactive hazardous waste disposal site.

§ 3. The opening paragraph and paragraphs b and o of subdivision 1, paragraph b, subparagraphs 2, 4 and 5 of paragraph c, and paragraph e of subdivision 2 of section 27-1305 of the environmental conservation law, as amended by section 3 of part E of chapter 1 of the laws of 2003, are amended, and two new subdivisions 5 and 6 are added to read as follows:

The department shall maintain and make available for public inspection, either at each of its regional offices and regional sub-offices, at the office of the county clerk or register for each county and at the office of the town clerk for each town in Suffolk and Nassau counties, or on its ~~[homepage on the internet]~~ website, a registry of inactive hazardous waste disposal sites in such region or, with respect to the office of the county clerk or register, in such county, or with respect to its website, the entire state. The department shall provide a written copy upon requests by any person. The department shall take all necessary action to ensure that the registry provides a complete and up-to-date listing of all such sites within the region. The department shall, on or before January first, two thousand four, and annually thereafter, transmit the updated registry to the legislature and the governor. A notice of the availability of the updated registry shall be sent to the department of health and the chief executive officer of every county. Upon identification of an inactive hazardous waste disposal site not included in the registry for the immediately preceding year, the department shall notify in writing the chief executive officer of each county, city, town and village and the public water supplier which services the area in which such site is located that such site has been so identified. For the purposes of this section, "water supplier" shall mean any public water system as such term is defined for the purposes of the sanitary code of the state of New York as authorized by section two hundred twenty-five of the public health law. Such registry shall include but need not be limited to those items among the following which the commissioner determines to be necessary:

b. Address and site boundaries including tax map parcel numbers or section, block and lot numbers, and if the site is located within a disadvantaged community;

o. Proximity of the site to private residences, public buildings or property, school, daycare, medical, or senior care facilities, places of work or other areas where individuals may be present, or location within a disadvantaged community; and

b. (1) Assessment and classification. The department shall, as part of the registry, assess and, based upon new information received, reassess by March thirty-first of each year, in cooperation with the department of health, the relative need for action at each site to remedy environmental and health problems resulting from the presence of hazardous wastes at such sites including in such assessment whether sites shall be prioritized under subdivision five of this section due to site location in an area identified as a disadvantaged community; provided, however, that if at the time of such assessment or reassessment, the department has not placed a site in classification 1 or 2, as described in ~~[subparagraphs one and two]~~ clauses (i) and (ii) of this [paragraph] subparagraph, and such site is the subject of negotiations for, or implementation of, a brownfield site cleanup agreement pursuant to title fourteen of this article, obligating the person subject to such agreement to, at a minimum, eliminate or mitigate all significant threats to the public health and environment posed by the hazardous waste pursuant to such agreement, the department shall defer its assessment or reassessment during the period such person is engaged in good faith negotiations to enter into such an agreement and, following its execution, is in compliance with the terms of such agreement, and shall assess or reassess such site upon completion of remediation to the department's satisfaction. In making its assessments, the department shall place every site in one of the following classifications:

~~[(1)]~~ (i) Causing or presenting an imminent danger of causing irreversible or irreparable damage to the public health or environment--immediate action required;

~~[(2)]~~ (ii) Significant threat to the public health or environment--action required;

~~[(3)]~~ (iii) Does not present a significant threat to the public health or environment--action may be deferred;

~~[(4)]~~ (iv) Site properly closed--requires continued management;

~~[(5)]~~ (v) Site properly closed, no evidence of present or potential adverse impact--no further action required.

(2) Prioritization. The department shall, in accordance with subdivision five of this section, prioritize remedial programs at sites placed in classification 1 or 2, as described in clauses (i) and (ii) of subparagraph one of this paragraph, that are located in disadvantaged communities, consistent with the protection of public health and the environment.

(2) Within ninety days after the submittal of such petition, the commissioner may convene an administrative hearing to determine whether a particular site should be deleted from the registry, receive a modified site classification or whether any information regarding the site should be modified. In any such hearing the burden of proof shall be on the petitioner. No less than thirty days prior to the hearing the commissioner shall cause a notice of hearing to be published in the next available environmental notice bulletin, on the department's website, and in a newspaper of general circulation in the county in which the site is located. The commissioner shall also notify in writing any owner

1 or operator of the site, as well as the owners of record of adjacent
2 properties, no less than thirty days prior to the hearing. The cost of
3 any such hearing, including the cost of any public notification, shall
4 be at the petitioner's expense.

5 (4) The commissioner may not delete any site from the registry without
6 providing public notice no less than sixty days prior to the proposed
7 deletion. Such notice of deletion shall be published in the next avail-
8 able environmental notice bulletin, on the department's website, and in
9 a newspaper of general circulation in the county in which the site is
10 located. The commissioner shall also notify in writing any owner or
11 operator of the site, if applicable, no less than sixty days prior to
12 the proposed deletion. The commissioner shall provide a thirty-day peri-
13 od for submission of written comments and ~~[may provide]~~ an opportunity
14 for submission of oral comments at a public meeting at or near the site.
15 The commissioner shall summarize any comments received and make the
16 summary available to the public on the department's website. The
17 commissioner may convene an administrative hearing to determine whether
18 a particular site should be deleted from the registry, receive a modi-
19 fied site classification or whether any information regarding the site
20 should be modified.

21 (5) The department shall notify, as soon as possible and within avail-
22 able resources all public repositories of the registry, including updat-
23 ing its website, of any modifications or deletions to such registry. The
24 department shall also note any such deletions or modifications in the
25 next annual report and publication of the registry.

26 e. The department shall, in consultation with the department of
27 health, evaluate existing site evaluation systems and shall develop a
28 system to select and prioritize sites for remedial action. Such system
29 shall incorporate environmental, natural resource and public health
30 concerns, and a site's location within a disadvantaged community.

31 5. Site cleanup prioritization. The department shall, no later than
32 January first, two thousand twenty-six, submit to the governor and
33 legislature and publish on its website site cleanup prioritization
34 criteria. The department shall review and update criteria as necessary.
35 The department shall describe the criteria and processes it uses to
36 determine the relative prioritization of sites, and an explanation of
37 the rationale of such criteria and processes. In preparing and updating
38 such criteria, the department shall consider the effects on the health,
39 environment and economy of the state, with particular consideration for
40 the effects on disadvantaged communities.

41 6. Status report. The department no later than December thirty-first
42 of each year, shall, using the information available to it, submit to
43 the governor and legislature, and make public on the department's
44 website an inactive hazardous waste remedial program status report for
45 the previous fiscal year. Such report shall include a status update of
46 all registered sites and an accounting of all monies expended or encum-
47 bered from the environmental quality bond act of nineteen hundred eight-
48 y-six, the hazardous waste remedial fund, the department's natural
49 resource damages fund, or any other monies otherwise appropriated for
50 the implementation of this title, during the preceding fiscal year, such
51 accounting to separately list:

52 (i) monies expended or encumbered for the purpose of conducting site
53 investigations;

54 (ii) monies expended or encumbered for the purpose of conducting reme-
55 dial investigations and feasibility studies;

1 (iii) monies expended or encumbered for the purpose of conducting
2 remedial design studies;
3 (iv) monies expended or encumbered for the purpose of conducting reme-
4 dial construction activities;
5 (v) monies expended or encumbered for operation, maintenance, and
6 monitoring activities;
7 (vi) monies expended or encumbered for interim remedial measures;
8 (vii) monies expended or encumbered for oversight activities, includ-
9 ing personnel and contractor costs, at inactive hazardous waste disposal
10 sites;
11 (viii) monies expended or encumbered in stand-by contracts entered
12 into pursuant to section 3-0309 of this chapter and the purposes for
13 which these stand-by contracts were entered into;
14 (ix) an accounting of payments received and payments obligated to be
15 received pursuant to this title, and a report of the department's
16 attempts to secure such obligations; and
17 (x) an accounting of all response costs recovered statewide and
18 natural resource damages recovered at each site, including through
19 settlement or agreement, commissioner order, judicial determination and
20 award, a required instrument of financial responsibility, or an environ-
21 mental lien.

22 § 4. Paragraphs b, c and f of subdivision 5 and subdivision 7 of
23 section 27-1313 of the environmental conservation law, paragraph b of
24 subdivision 5 and subdivision 7 as amended and paragraphs c and f of
25 subdivision 5 as added by chapter 857 of the laws of 1982, are amended
26 to read as follows:

27 b. In the event that the commissioner has found that hazardous wastes
28 at a site constitute a significant threat to the environment, but after
29 a reasonable attempt to determine who may be responsible is either
30 unable to determine who may be responsible, or is unable to locate a
31 person who may be responsible, the department may develop and implement
32 an inactive hazardous waste disposal site remedial program for such
33 site. The department shall prioritize implementation of remedial
34 programs in accordance with subdivision five of section 27-1305 of this
35 title. The commissioner shall make every effort, in accordance with the
36 requirements for notice, hearing and review provided for in this title,
37 to secure appropriate relief from any person subsequently identified or
38 located who is responsible for the disposal of hazardous waste at such
39 site, including, but not limited to[, ~~development and implementation of~~
40 ~~an inactive hazardous waste disposal site remedial program, payment of~~
41 ~~the cost of such a program, recovery of any reasonable expenses incurred~~
42 ~~by the state, money damages~~] response costs, natural resource damages
43 and penalties.

44 c. (i) Whenever the commissioner has made findings pursuant to para-
45 graph b of subdivision three of this section or the commissioner of
46 health has made a declaration and finding pursuant to paragraph (b) of
47 subdivision three of section one thousand three hundred eighty-nine-b of
48 the public health law, the department may develop and implement an inac-
49 tive hazardous waste disposal site remedial program to contain, allevi-
50 ate or end the threat to life or health or to the environment. The costs
51 incurred by the department in developing and implementing such a program
52 shall be in an amount commensurate with the actions the department deems
53 necessary to eliminate such danger. In determining the scope, nature and
54 content of such program, the department shall consider among others, the
55 following factors:

56 [~~(i)~~] (A) the technological feasibility of all actions;

1 ~~[(ii)]~~ (B) the nature of the danger to human health and the environ-
2 ment which the actions are designed to address; and

3 ~~[(iii)]~~ (C) the extent to which the actions would reduce such danger
4 to human health or the environment or would otherwise benefit human
5 health or the environment, including if the actions would benefit a
6 disadvantaged community.

7 (ii) In implementing this title, the department shall consult with
8 appropriate representatives of Indian nations on environmental and
9 cultural resource issues related to this title of concern to either the
10 department or Indian nations.

11 f. The commissioner shall make every effort, in accordance with the
12 requirements for notice, hearing and review provided for in this title
13 to secure appropriate relief from the owner or operator of such site
14 and/or any person responsible for the disposal of hazardous wastes at
15 such site, including, but not limited to, ~~[development and implementa-~~
16 ~~tion of an inactive hazardous waste disposal site remedial program,~~
17 ~~payment of the cost of such program, recovery of any reasonable expenses~~
18 ~~incurred by the state, money damages]~~ response costs, natural resource
19 damages, and penalties.

20 7. Moneys for actions taken or to be taken by the department, the
21 department of health or any other state agency in connection with the
22 elimination of conditions dangerous to life or health pursuant to subdi-
23 vision five of section thirteen hundred eighty-nine-b of the public
24 health law or with the elimination of a significant threat to the envi-
25 ronment pursuant to this section shall be payable directly to such agen-
26 cies from the hazardous waste remedial fund pursuant to section ninety-
27 seven-b of the state finance law. This includes any inspection or
28 sampling of wastes, soils, air, surface water ~~[and],~~ groundwater, or
29 other natural resources, done on behalf of a state agency whether or not
30 such action is taken prior to the issuance of a declaration pursuant to
31 subdivision two of section thirteen hundred eighty-nine-b of the public
32 health law or a finding pursuant to subdivision three of this ~~[seciton]~~
33 section and any administrative expenses related thereto.

34 § 5. Subdivision 2 of section 27-1323 of the environmental conserva-
35 tion law, as added by section 9 of part E of chapter 1 of the laws of
36 2003, is amended to read as follows:

37 2. Municipal exemption. (a) For the purposes of this title no municipi-
38 pality or public corporation shall incur any liability from any statuto-
39 ry claims of the state as an owner or operator of a site, or a person
40 responsible for the disposal of a hazardous waste at such site~~;~~:

41 (i) if such municipality or public corporation acquired such site
42 involuntarily, and such municipality or public corporation retained such
43 site without participating in the development of such site;

44 (ii) with respect to an airport or fire training site, if such site is
45 owned or operated by such municipality, public corporation, or fire
46 district and at which firefighting foam containing PFAS chemicals was
47 used pursuant to law; or

48 (iii) with respect to a landfill, if such landfill is owned or oper-
49 ated by the municipality or public corporation.

50 (b) This exemption shall not apply to any municipality or public
51 corporation that through action or inaction has intentionally, knowing-
52 ly, recklessly, or through gross negligence caused or contributed to the
53 release or threatened release of a hazardous waste from or onto the
54 site, or to any municipality or public corporation that intentionally,
55 knowingly, recklessly, or through gross negligence generated, trans-

ported, or disposed of, arranged for, or ~~[that]~~ caused the generation, transportation, or disposal of hazardous waste, from or onto the site.

(c) When used in this section:

(1) "Public corporation" means a public corporation as defined in section sixty-five of the general construction law, a local public authority, supervisory district, improvement district within a county, city, town, or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York state, or any combination thereof.

(2) "Involuntary acquisition of ownership or control" includes but is not limited to the following:

(i) Acquisitions by a public corporation in its sovereign capacity, including but not limited to acquisitions pursuant to abandonment proceedings or bequest;

(ii) Acquisitions by a public corporation, or its agent, acting as a conservator or receiver pursuant to a clear and direct statutory mandate or regulatory authority;

(iii) Acquisitions of assets through foreclosure and its equivalents, or otherwise, by a public corporation in the course of administering a loan, loan guarantee, tax lien, or tax forbearance agreement, or loan insurance program; or

(iv) Acquisitions by a public corporation pursuant to seizure, injunction, condemnation, or forfeiture authority; provided that such ownership or control is not retained primarily for investment purposes.

(3) "Airport" shall have the same meaning as provided in subdivision five of section two hundred forty of the general business law.

(4) "Landfill" shall mean an inactive municipal solid waste site where solid waste was intentionally placed and intended to remain and which was designed, constructed, operated, and closed pursuant to this chapter to minimize adverse environmental impacts and which was either (i) permitted by the department, or (ii) for a non-permitted site, had materially complied with requirements for permitting in accordance with department regulations to the extent the information is reasonably verifiable.

(5) "Firefighting foam containing PFAS chemicals" shall mean class B firefighting foam, as defined in paragraph (a) of subdivision one of section two hundred four-g of the general municipal law, that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances, as defined in paragraph (d) of subdivision one of section two hundred four-g of the general municipal law.

(d) For the purpose of this section, the terms "foreclosure" and "foreclose" mean, respectively, acquiring or to acquire a ~~[brownfield site]~~ property through:

(1) purchase at sale under a judgment or decree, power of sale, or non-judicial foreclosure sale;

(2) a deed in lieu of foreclosure, or similar conveyance, or abandonment from a person or trustee;

(3) conveyance pursuant to an extension of credit or tax forbearance previously contracted; or

(4) any other formal or informal manner by which a person acquires, for subsequent disposition, title to or possession of a site in order to protect the security interest of the public corporation or lender.

(e) "Participating in development" means the carrying out, or causing or permitting the carrying out, of any above-grade improvements to the site or any other environmental investigation or remediation, except for those improvements which are part of a site remedial program pursuant to

1 this article or in furtherance of site safety, such as fencing or light-
2 ing, but does not include licensing, regulatory oversight, or the mere
3 capacity to regulate or influence, or the unexercised right to control
4 the operation of the property. For purposes of this section, participat-
5 ing in development does not include:

6 (1) having the capacity to influence management of a site;
7 (2) having the unexercised right to control or to regulate the site or
8 operations thereof;

9 (3) holding, abandoning, or releasing a security interest or tax lien
10 on such site;

11 (4) including a condition relating to environmental compliance in a
12 contract, permit, license, or security agreement;

13 (5) monitoring or enforcing the terms and conditions of an agreement
14 or tax forbearance agreement;

15 (6) monitoring or undertaking one or more inspections of a site
16 including, but not limited to, boring test wells;

17 (7) exercising other remedies available under applicable laws;

18 (8) licensing, permitting, or granting permits, certificates of occu-
19 pancy and variances as allowed by law and/or regulation;

20 (9) applying for or participating in federal or state statutory
21 programs or benefits; or

22 (10) declining to take any of the actions described in subparagraphs
23 one through nine of this paragraph.

24 (f) Any municipality or public corporation that has taken possession
25 of a site, or owns or operates a site, pursuant to this subdivision,
26 shall notify the department of any release of hazardous waste within ten
27 days of obtaining actual knowledge of such release, unless a shorter
28 notice period is required under any other provision of law, in which
29 case the shorter notice period controls. Failure to notify the depart-
30 ment within the ten day or shorter notification period shall result in
31 the loss of the exemption set forth in this section.

32 § 6. Section 27-1323 of the environmental conservation law is amended
33 by adding a new subdivision 5 to read as follows:

34 5. Bona fide prospective purchaser. (a) The term "bona fide prospec-
35 tive purchaser" means, with respect to a site:

36 (1) a person who:

37 (i) acquires ownership of the site after October seventh, two thousand
38 three; and

39 (ii) establishes by a preponderance of the evidence each of the crite-
40 ria described in paragraph (b) of this subdivision; and

41 (2) a person:

42 (i) who acquires a leasehold interest in the site after October
43 seventh, two thousand three;

44 (ii) who establishes by a preponderance of the evidence that the
45 leasehold interest is not designed to avoid liability under this title
46 by any person; and

47 (iii) with respect to whom any of the following conditions apply:

48 (A) The owner of the site that is subject to the leasehold interest is
49 a person described in subparagraph one of this paragraph.

50 (B)(I) The owner of the site that is subject to the leasehold interest
51 was a person described in subparagraph one of this paragraph at the time
52 the leasehold interest was acquired, but can no longer establish by a
53 preponderance of the evidence each of the criteria described in para-
54 graph (b) of this subdivision due to circumstances unrelated to any
55 action of the person who holds the leasehold interest; and

(II) The person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in subparagraphs one, three, four, five, six, seven, and eight of paragraph (b) of this subdivision.

(C) The person who holds the leasehold interest establishes by a preponderance of the evidence each of the criteria described in paragraph (b) of this subdivision.

(b) Criteria. The criteria described in this paragraph are as follows:

(1) Disposal prior to acquisition. All disposal of hazardous waste at the site occurred before the person acquired the site.

(2) Inquiries. (i) In general. The person made all appropriate inquiries into the previous ownership and uses of the site in accordance with generally accepted good commercial and customary standards and practices in accordance with clause (ii) of this subparagraph.

(ii) Standards and practices. The standards and practices referred to in subparagraphs two, four, and five of paragraph (c) of subdivision four of this section shall be considered to satisfy the requirements of this subparagraph.

(3) Notices. The person provides all legally required notices with respect to the discovery or disposal of any hazardous waste at the site.

(4) Care. The person exercises appropriate care with respect to hazardous waste found at the site by taking reasonable steps to:

(i) stop any continuing disposal;

(ii) prevent any threatened future disposal; and

(iii) prevent or limit human, environmental, or natural resource exposure to any previously disposed hazardous waste.

(5) Cooperation, assistance, and access. The person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource restoration at a site (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions or natural resource restoration at the site).

(6) Institutional control. The person:

(i) is in compliance with any land use restrictions established or relied on in connection with the response action at a site; and

(ii) does not impede the effectiveness or integrity of any institutional control employed at the site in connection with a response action.

(7) Requests; subpoenas. The person complies with any request for information or administrative subpoena issued by the commissioner under this chapter.

(8) No affiliation. The person is not:

(i) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a site through:

(A) any direct or indirect familial relationship; or

(B) any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the facility is conveyed or financed, by a tenancy, by the instruments by which a leasehold interest in the site is created, or by a contract for the sale of goods or services); or

(ii) the result of a reorganization of a business entity that was potentially liable.

§ 7. The environmental conservation law is amended by adding a new section 27-1325 to read as follows:

§ 27-1325. Financial responsibility provisions.

1 1. The department shall promulgate regulations regarding financial
2 responsibility for the implementation of an inactive hazardous waste
3 disposal site remedial program.

4 2. Financial responsibility required by subdivision one of this
5 section may be established in accordance with regulations promulgated by
6 the commissioner by any one, or any combination, of the following:
7 insurance, guarantee, surety bond, letter of credit, or qualification as
8 a self-insurer. In promulgating requirements under this section, the
9 commissioner is authorized to specify policy or other contractual terms,
10 conditions, or defenses which are necessary or are unacceptable in
11 establishing such evidence of financial responsibility in order to
12 effectuate the purposes of this article.

13 3. In any case where the responsible person is in bankruptcy, reorgan-
14 ization, or arrangement pursuant to the Federal Bankruptcy Code or
15 where, with reasonable diligence, jurisdiction in any state or federal
16 court within the state cannot be obtained over a responsible person
17 likely to be solvent at the time of judgment, any claim arising from
18 conduct for which evidence of financial responsibility shall be provided
19 under this section may be asserted directly against the guarantor
20 providing such evidence of financial responsibility. In the case of any
21 action pursuant to this subdivision, such guarantor shall be entitled to
22 invoke all rights and defenses which would have been available to the
23 responsible person if any action had been brought against the responsi-
24 ble person by the claimant and which would have been available to the
25 guarantor if an action had been brought against the guarantor by the
26 responsible person.

27 4. The total liability of any guarantor shall be limited to the aggre-
28 gate amount which the guarantor has provided as evidence of financial
29 responsibility to the responsible person under this chapter. Nothing in
30 this subdivision shall be construed to limit any other state or federal
31 statutory, contractual or common law liability of a guarantor to its
32 responsible person including, but not limited to, the liability of such
33 guarantor for bad faith either in negotiating or in failing to negotiate
34 the settlement of any claim. Nothing in this subdivision shall be
35 construed to diminish the liability of any person under section 27-1313
36 of this article or other applicable law.

37 5. For the purpose of this section, the term "guarantor" means any
38 person, other than the responsible person, who provides evidence of
39 financial responsibility for a responsible person under this section.

40 § 8. The environmental conservation law is amended by adding a new
41 section 27-1327 to read as follows:

42 § 27-1327. Recovery of response costs and natural resource damages.

43 1. Each responsible person shall be strictly liable, jointly and
44 severally, for all response costs and for all natural resource damages
45 resulting from the disposal of hazardous waste at an inactive hazardous
46 waste disposal site. The commissioner may request the attorney general
47 commence an action in a court of competent jurisdiction to recover the
48 response costs and/or natural resource damages. The commissioner shall
49 prioritize recovering response costs and natural resource damages at
50 sites placed in classification 1 or 2, as described in clauses (i) and
51 (ii) of subparagraph one of paragraph b of subdivision two of section
52 27-1305 of this title, that are located in disadvantaged communities.

53 2. A determination or assessment of natural resource damages for the
54 purposes of this section made or adopted by the commissioner in accord-
55 ance with any applicable regulations promulgated under section 27-1315
56 of this title or under section 9651(c) of title 42 of the United States

1 Code shall have the force and effect of a rebuttable presumption on
2 behalf of the commissioner in any judicial proceeding.

3 3. In an action to recover response costs and/or natural resource
4 damages, the commissioner may also seek civil penalties under section
5 71-2705 of this chapter.

6 4. All amounts received to satisfy liability for natural resource
7 damages shall be credited to the department's natural resource damages
8 fund to be used exclusively to reimburse the reasonable costs of assess-
9 ing injury, destruction, and/or loss resulting from the disposal of
10 hazardous waste at the site for which the natural resource damages were
11 recovered and for the restoration, rehabilitation, replacement, and/or
12 acquisition of equivalent natural resources. Provided that any such
13 restoration, rehabilitation, replacement and/or acquisition shall prior-
14 itize, to the maximum extent practicable, the natural resources of the
15 site for which the damages were recovered.

16 5. The state shall have an environmental lien for all response costs
17 incurred by the state and for all natural resource damages for which a
18 judicial determination of liability has been made upon such real proper-
19 ty located within the state:

20 (a) owned by a person liable to the state for such response costs
21 and/or natural resource damages under this title at the time a notice of
22 environmental lien is filed; and

23 (b) upon which the disposal of hazardous wastes occurred.

24 6. An environmental lien shall attach when:

25 (a) response costs are incurred by the state and/or a judicial judg-
26 ment of liability for natural resource damages is entered;

27 (b) the responsible person fails to pay such costs within ninety days
28 after a written demand therefor by the department is mailed by certified
29 or registered mail, return receipt requested, and/or fails to pay such
30 natural resource damages within ninety days after entry of judgment; and

31 (c) a notice of environmental lien is filed by the department as
32 provided in paragraph (a) of subdivision ten of this section; provided,
33 however, that a copy of the notice of environmental lien is served upon
34 the owner of the real property subject to the environmental lien within
35 thirty days of such filing in accordance with the provisions of section
36 eleven of the lien law.

37 7. (a) An environmental lien shall continue against the real property
38 until:

39 (i) the claim or judgment against the person referred to in subdivi-
40 sion one of this section for response costs and/or natural resource
41 damages is satisfied or becomes unenforceable;

42 (ii) the lien is released by the commissioner pursuant to this subdivi-
43 vision;

44 (iii) the lien is discharged by payment of monies into court; or

45 (iv) the lien is otherwise vacated by court order.

46 (b) Upon the occurrence of any event under subparagraphs (i) through
47 (iv) of paragraph (a) of this subdivision, except where the lien is
48 vacated by court order, the commissioner shall execute the release of an
49 environmental lien and file the release as provided in subdivision ten
50 of this section. The commissioner may release an environmental lien
51 where:

52 (i) a legally enforceable agreement satisfactory to the commissioner
53 has been executed relating to the response costs and/or natural resource
54 damages that are the subject of the lien; or reimbursing the state for
55 such response costs and/or natural resource damages; or an owner or
56 operator of the site subject to the lien agrees to perform remedial

1 work, site management, or other in-kind services of sufficient value to
2 the commissioner; or

3 (ii) the attachment or enforcement of the environmental lien is deter-
4 mined by the commissioner not to be in the public interest.

5 8. An environmental lien is subject to the rights of any other person,
6 including an owner, purchaser, holder of a mortgage or security inter-
7 est, or judgment lien creditor, whose interest is perfected before a
8 lien notice has been filed as provided in subdivision ten of this
9 section.

10 9. A notice of environmental lien shall state:

11 (a) that the lienor is the state of New York;

12 (b) the name of the record owner of the real property on which the
13 environmental lien has attached;

14 (c) the real property subject to the lien, with a description thereof
15 sufficient for identification;

16 (d) that the real property described in the notice is the property
17 upon which a disposal of hazardous wastes occurred and that response
18 costs have been incurred by the lienor and/or that natural resource
19 damages have been judicially determined to be due to the lienor as a
20 result of such disposal;

21 (e) that the owner is potentially liable for response costs and/or
22 subject to a judgment for natural resource damages pursuant to this
23 title; and

24 (f) that an environmental lien has attached to the described real
25 property.

26 10. (a) A notice of environmental lien shall be filed in the clerk's
27 office of the county where the property is situated. If such property is
28 situated in two or more counties, the notice of environmental lien shall
29 be filed in the office of the clerk of each of such counties. The notice
30 of lien shall be indexed by the county clerk in accordance with the
31 provisions of section ten of the lien law. The notice of lien shall be
32 served upon the owner of the real property subject to the lien in
33 accordance with the provisions of section eleven of the lien law.

34 (b) A release of an environmental lien shall be filed in the clerk's
35 office of each county where the notice of environmental lien was filed
36 and shall be indexed in the manner prescribed for indexing environmental
37 liens.

38 11. An environmental lien may be enforced against the property speci-
39 fied in the notice of environmental lien, and an environmental lien may
40 be vacated or discharged, as prescribed in article three of the lien
41 law; provided, however, that nothing in this article or in article three
42 of the lien law shall affect the right of the state to bring an action
43 to recover response costs and/or natural resource damages under section
44 one hundred seven of the federal comprehensive environmental response,
45 compensation, and liability act (42 U.S.C. § 9607 et seq).

46 12. Amounts received by the commissioner to satisfy all or part of an
47 environmental lien for response costs shall be deposited in the depart-
48 ment's hazardous waste remedial fund and amounts received to satisfy all
49 or part of an environmental lien for natural resource damages shall be
50 deposited in the department's natural resource damages fund.

51 13. Environmental windfall liens. (a) A bona fide prospective
52 purchaser whose liability under this title and/or 42 U.S.C. § 9607 et
53 seq. arises solely from being considered an owner or operator of such
54 site shall not be subject to this subdivision as long as the bona fide
55 prospective purchaser does not impede the performance of a response
56 action or natural resource restoration.

(b) If there are unrecovered response costs incurred by the department at an inactive hazardous waste disposal site for which an owner or operator of the site is not liable by reason of paragraph (a) of this subdivision, and if each of the conditions described in paragraph (c) of this subdivision are met, the department shall have an environmental windfall lien on the facility, or may by agreement with the owner or operator, obtain from the owner or operator a lien on any other property or other assurance of payment satisfactory to the department, for the unrecovered response costs.

(c) The conditions referred to in paragraph (b) of this subdivision are the following:

(i) A response action for which there are unrecovered costs of the department is carried out at the inactive hazardous waste disposal site.

(ii) The response action increases the fair market value of the site above the fair market value of the site before the response action was initiated.

(d) An environmental windfall lien under paragraph (b) of this subdivision:

(i) shall be in an amount not to exceed the lesser of:

(A) the incremental increase in fair market value of the property, above the fair market value before the response action was initiated, attributable to the response action at the time of a sale or other disposition of the property; or

(B) any unrecovered response costs not subject to an environmental lien attached to the property pursuant to subdivision five of this section;

(ii) shall arise at the time at which costs are first incurred by the department with respect to a response action at the site; and

(iii) shall be subject to the requirements of subdivisions seven, eight, nine, ten, eleven, and twelve of this section.

14. (a) Contribution. Any person may seek contribution from any other person who is liable or potentially liable under this title during or following any civil action under this section. Such claims shall be brought in accordance with this section and the civil practice law and rules, and shall be governed by New York state law. In resolving contribution claims, the court may allocate response costs among liable parties using such equitable factors as the court determines are appropriate. Nothing in this subdivision shall diminish the right of any person to bring an action for contribution in the absence of a civil action under this section.

(b) Settlement. A person who has resolved its liability to the state in an administrative or judicially approved settlement shall not be liable for claims for contribution regarding matters addressed in the settlement. Such settlement does not discharge any of the other potentially liable persons unless its terms so provide, but it reduces the potential liability of the others by the amount of the settlement.

(c) Persons not party to settlement. (i) If the state has obtained less than complete relief from a person who has resolved its liability to the state in an administrative or judicially approved settlement, the state may bring an action against any person who has not so resolved its liability.

(ii) A person who has resolved its liability to the state for some or all of a response action or for some or all of the costs of such action in an administrative or judicially approved settlement may seek contribution from any person who is not party to a settlement referred to in paragraph (b) of this subdivision.

1 (iii) In any action under this paragraph, the rights of any person who
2 has resolved its liability to the state shall be subordinate to the
3 rights of the state.

4 15. (a) Limitation on claims. No new action under this title may be
5 commenced for natural resource damages or response costs for an inactive
6 hazardous waste site that was the subject of any previous action
7 commenced prior to the effective date of the chapter of the laws of two
8 thousand twenty-five which added this subdivision, regardless of: the
9 venue in which such previous action was commenced; the statutory or
10 common law source of such action, including settlement agreements; the
11 completeness or totality of permissible recovery of such action; or the
12 finality of any such action.

13 (b) Actions for natural resource damages. Except as provided in para-
14 graphs (d) and (e) of this subdivision, an initial action under this
15 title for natural resource damages that occurs after the effective date
16 of the chapter of the laws of two thousand twenty-five which added this
17 subdivision, shall be commenced within three years after the later of
18 the following:

19 (i) the date of the discovery of the loss and its connection with the
20 release in question; or

21 (ii) for any facility listed on the federal National Priorities List,
22 any site listed on the New York state registry of inactive hazardous
23 waste disposal sites, or any site at which a remedial action under this
24 chapter is otherwise scheduled: the date of completion of the remedial
25 action, excluding operation and maintenance activities.

26 (c) Actions for response costs. An initial action for recovery of
27 response costs that occurs after the effective date of the chapter of
28 the laws of two thousand twenty-five which added this subdivision shall
29 be commenced:

30 (i) for a removal action, as defined by the department in regulation,
31 within three years after completion of the removal action, except that
32 such cost recovery action shall be commenced within six years after a
33 determination that continued response action is otherwise appropriate
34 and consistent with the remedial action to be taken for continued
35 response action; and

36 (ii) for a remedial action, as defined by the department in regu-
37 lation, within six years after initiation of physical on-site
38 construction of the remedial action, except that, if the remedial action
39 is initiated within three years after the completion of the removal
40 action, costs incurred in the removal action may be recovered in the
41 cost recovery action brought under this subparagraph.

42 (d) Declaratory judgment. In any such action described in this subdi-
43 vision, the court shall enter a declaratory judgment on liability for
44 response costs or natural resource damages that will be binding on any
45 subsequent action or actions under this title to recover further
46 response costs or damages. A subsequent action or actions under this
47 section for further response costs at the facility or site may be main-
48 tained at any time during the response action, but must be commenced no
49 later than three years after the date of completion of all response
50 action. Except as otherwise provided in this paragraph, an action may be
51 commenced under this section for recovery of costs at any time after
52 such costs have been incurred.

53 (e) Limitations on actions. No action for contribution for any
54 response costs or natural resource damages may be commenced more than
55 three years after:

1 (i) the date of judgment in any action under this section for recovery
2 of such costs or damages; or

3 (ii) the date of a judicially approved settlement with respect to such
4 costs or damages.

5 § 9. The environmental conservation law is amended by adding a new
6 section 27-1329 to read as follows:

7 § 27-1329. Abatement actions.

8 1. (a) Maintenance, jurisdiction, etc. When the commissioner, after
9 investigation, determines that there may be an imminent danger to the
10 health or welfare of the people of the state or the environment, or an
11 actual or threatened release of hazardous waste from an inactive hazard-
12 ous waste disposal site, as defined in clauses (i) and (ii), respective-
13 ly, of subparagraph one of paragraph b of subdivision two of section
14 27-1305 of this title, is resulting in or is likely to result in irre-
15 versible or irreparable damage to natural resources, the commissioner
16 may request the attorney general to secure such relief as may be neces-
17 sary to abate such danger or threat and to grant such relief as the
18 public interest and the equities of the case may require. The commis-
19 sioner may issue such orders as may be necessary to protect public
20 health and welfare and the environment, provided the commissioner has a
21 reasonable belief that persons responsible for implementing such orders
22 have adequate financial resources to comply, there is evidence suffi-
23 cient to support liability of such person, and the department has made
24 all reasonable efforts to secure voluntary agreement of such person to
25 abate the imminent danger or threat.

26 (b) Any such person may request a meeting with the department to
27 discuss reconsideration of an order, within five business days of
28 receiving such order, if such person believes they are not liable. Such
29 request shall include a description of the reason why such person
30 believes they are not liable and any supporting documentation. The
31 department shall make all practicable efforts to hold such meeting with-
32 in five business days of receiving such request and shall consider its
33 evidence of such person's liability in light of any information and
34 documentation provided.

35 (c) Any such order issued by the commissioner shall be a final deter-
36 mination of the department and subject to challenge pursuant to article
37 seventy-eight of the civil practice law and rules.

38 (d) No action may be taken under paragraph (a) of this subdivision
39 against a bona fide prospective purchaser, as defined in subdivision
40 five of section 27-1323 of this title.

41 2. Fines; reimbursement. (a) Any person who, without sufficient cause,
42 fails or refuses to comply with any order of the commissioner under
43 subdivision one of this section may, in an action brought in the appro-
44 priate court of competent jurisdiction to enforce such order, be fined
45 not more than thirty-seven thousand five hundred dollars for each day in
46 which such violation occurs or such failure to comply continues.

47 (b) (i) Any person who receives and complies with the terms of any
48 order issued under subdivision one of this section may, within sixty
49 days after completion of the required action, petition the commissioner
50 for reimbursement from the hazardous waste remedial fund pursuant to
51 section ninety-seven-b of the state finance law for the reasonable costs
52 of such action, plus interest. Any interest payable under this subpara-
53 graph shall accrue on the amounts expended from the date of expenditure
54 at the same rate as specified for interest on investments of the hazard-
55 ous substance superfund established under subchapter A of chapter 98 of

1 title 26 of the federal comprehensive environmental response, compen-
2 sation, and liability act.

3 (ii) If the commissioner refuses to grant all or part of a petition
4 made under this paragraph, the petitioner may within thirty days of
5 receipt of such refusal file an action against the department pursuant
6 to article seventy-eight of the civil practice law and rules.

7 (iii) Except as provided in subparagraph (iv) of this paragraph, to
8 obtain reimbursement, the petitioner shall establish by a preponderance
9 of the evidence that such petitioner is not liable for response costs
10 under section 27-1313 of this title and that costs for which such peti-
11 tioner seeks reimbursement are reasonable in light of the action
12 required by the relevant order.

13 (iv) A petitioner under subparagraph (i) of this paragraph may also
14 recover its reasonable costs of response to the extent that such peti-
15 tioner can demonstrate, on the administrative record, that the commis-
16 sioner's decision in selecting the response action ordered was arbitrary
17 and capricious or was otherwise not in accordance with law. Reimburse-
18 ment awarded under this subparagraph shall include all reasonable
19 response costs incurred by the petitioner pursuant to the portions of
20 the order found to be arbitrary and capricious or otherwise not in
21 accordance with law.

22 (v) Reimbursement awarded by a court under subparagraph (iii) or (iv)
23 of this paragraph may include appropriate costs, fees, and other
24 expenses in accordance with section eighty-six hundred one of the civil
25 practice law and rules.

26 3. The commissioner shall provide notice of the provisions of this
27 section to known responsible persons at sites listed in clauses (i) and
28 (ii) of subparagraph one of paragraph b of subdivision two of section
29 27-1305 of this title, within six months of the effective date of the
30 chapter of the laws of two thousand twenty-five which added this
31 section, if the commissioner intends to issue an order to such responsi-
32 ble persons. No such orders shall be issued within a one-year period
33 after the effective date of the chapter of the laws of two thousand
34 twenty-five which added this section.

35 § 10. The environmental conservation law is amended by adding a new
36 section 27-1331 to read as follows:

37 § 27-1331. Community participation.

38 1. To facilitate an inactive hazardous waste disposal site remedial
39 program and enable community members to participate more fully in deci-
40 sions that affect their community, the department shall provide opportu-
41 nities for community involvement and shall consult with the public
42 throughout that process, before the department forms or adopts final
43 positions. The primary goals of the community participation program at
44 sites are to facilitate two-way communication between the department and
45 individuals, groups, and organizations that have expressed interest in
46 or are affected by the site or the site's remedial program, with a
47 special focus on sites in disadvantaged communities and to take into
48 account the community's interests in the decision-making process associ-
49 ated with the remediation of sites.

50 2. All inactive hazardous waste disposal site remedial programs shall
51 include community participation activities which, at a minimum, shall
52 include, but are not limited to, the preparation of a community partici-
53 ipation plan, establishment of a document repository, and public notice
54 to interested individuals and groups with a prescribed comment period at
55 select milestones.

1 3. The design of each community participation plan, including the
2 level of community involvement and the tools utilized, shall take into
3 account the scope and scale of the proposed inactive hazardous waste
4 disposal site remedial program, local interest and history, location
5 within a disadvantaged community, and other relevant factors. While
6 retaining flexibility to tailor each plan to each site, community
7 participation plans shall embody the following principles of meaningful
8 community participation:

9 a. opportunities for community involvement should be provided as early
10 as possible in the decision-making process prior to the selection of a
11 preferred course of action by the department and/or the responsible
12 person;

13 b. activities proposed in such plan should be as reflective of the
14 diversity of interests and perspective found within the community as
15 possible, allowing the public the opportunity to have their views heard
16 and considered, which may include opportunities for dialogue; and

17 c. full, timely, and accessible disclosure and sharing of information
18 by the department shall be provided, including the provision of techni-
19 cal data and the assumptions upon which any analyses are based.

20 4. Each community participation plan shall include the following mini-
21 imum elements:

22 a. an inactive hazardous waste disposal site remedial program site
23 contact list;

24 b. the name and address of a document repository and proof of accept-
25 ance of this designation by the repository;

26 c. overview of the site's history and contamination issues, including
27 the nature of threats to public health and the environment, once known;

28 d. identification of major issues of public concern related to the
29 site and a description of any interim actions planned or taken to
30 address the issues, if appropriate;

31 e. a description of the phases of the major elements of the inactive
32 hazardous waste disposal site remedial program;

33 f. a description of community participation activities conducted or
34 planned relative to the inactive hazardous waste disposal site; and

35 g. a description of any additional community participation activities
36 needed to address public concerns.

37 5. All community participation plans will be subject to department
38 review and approval. The citizen participation plan shall be updated
39 during the implementation of the inactive hazardous waste disposal site
40 remedial program.

41 6. Document repository. A document repository shall be established at
42 a location accessible to the public where they can review the inactive
43 hazardous waste disposal site remedial program documents, and an elec-
44 tronic repository shall also exist on the department's website.

45 a. Documents shall be placed in the repository, which are:

46 (i) approved by the department; or

47 (ii) otherwise designated by the department for inclusion.

48 b. The responsible person shall make available to the department all
49 appropriate documents for inclusion in the repository.

50 § 11. Section 71-2705 of the environmental conservation law, as added
51 by chapter 550 of the laws of 1980, subdivision 1 as amended by section
52 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of
53 the laws of 2003, is amended to read as follows:

54 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-
55 ter.

1 1. Civil and administrative sanctions. Any person who violates any of
2 the provisions of, or who fails to perform any duty imposed by titles 9,
3 11 and 13 of article 27 or any rule or regulation promulgated pursuant
4 thereto, or any term or condition of any certificate or permit issued
5 pursuant thereto, or any final determination or order of the commission-
6 er made pursuant to this title shall be liable in the case of a first
7 violation, for a civil penalty not to exceed [~~thirty-seven~~] sixty-five
8 thousand [~~five hundred~~] dollars and an additional penalty of not more
9 than [~~thirty-seven~~] sixty-five thousand [~~five hundred~~] dollars for each
10 day during which such violation continues, to be assessed by the commis-
11 sioner after an opportunity to be heard pursuant to the provisions of
12 section 71-1709 of this article, or by the court in any action or
13 proceeding pursuant to section 71-2727 of this title, and, in addition
14 thereto, such person may by similar process be enjoined from continuing
15 such violation and any permit or certificate issued to such person may
16 be revoked or suspended or a pending renewal application denied. In the
17 case of a second and any further violation, the liability shall be for a
18 civil penalty not to exceed [~~seventy-five~~] one hundred twenty-five thou-
19 sand dollars for each such violation and an additional penalty not to
20 exceed [~~seventy-five~~] one hundred twenty-five thousand dollars for each
21 day during which such violation continues.

22 2. Criminal sanctions. Any person who, having any of the culpable
23 mental states defined in section 15.05 of the penal law, shall violate
24 any of the provisions of or who fails to perform any duty imposed by
25 titles 9, 11 and 13 of article 27 or any rules and regulations promul-
26 gated pursuant thereto, or any term or condition of any certificate or
27 permit issued pursuant thereto, or any final determination or order of
28 the commissioner made pursuant to this title shall be guilty of a misde-
29 meanor and, upon conviction thereof, shall for a first conviction be
30 punished by a fine not to exceed [~~thirty-seven~~] sixty-five thousand
31 [~~five hundred~~] dollars per day of violation or by imprisonment for a
32 term of not more than one year, or both such fine and imprisonment. If
33 the conviction is for an offense committed after a first conviction of
34 such person under this subdivision, punishment shall be by a fine not to
35 exceed [~~seventy-five~~] one hundred twenty-five thousand dollars per day
36 of violation, or by imprisonment for not more than two years or by both
37 such fine and imprisonment.

38 § 12. Subdivisions 1 and 4 of section 97-b of the state finance law,
39 subdivision 1 as amended by section 3 of part AA of chapter 58 of the
40 laws of 2018 and subdivision 4 as amended by chapter 38 of the laws of
41 1985, are amended to read as follows:

42 1. There is hereby established in the custody of the state comptroller
43 a nonlapsing revolving fund to be known as the "hazardous waste remedial
44 fund", which shall consist of a "site investigation and construction
45 account", an "industry fee transfer account", an "environmental restora-
46 tion project account", a "hazardous waste cleanup account", and a
47 "hazardous waste remediation oversight and assistance account".

48 4. [~~No~~] With respect to moneys in the hazardous waste cleanup account,
49 no moneys shall be available from the fund pursuant to paragraph (a) of
50 subdivision three of this section unless the commissioner of environ-
51 mental conservation finds that all reasonable efforts to secure volun-
52 tary agreement to pay the costs of necessary remedial actions from
53 owners or operators of inactive hazardous waste sites or other responsi-
54 ble persons have been made except where the commissioner of environ-
55 mental conservation has made findings pursuant to paragraph b of subdi-
56 vision three of section 27-1313 of the environmental conservation law or

1 where; the commissioner of health has declared a condition dangerous to
2 life or health and made findings pursuant to paragraph (b) of subdivi-
3 sion three of section one thousand three hundred eighty-nine-b of the
4 public health law.

5 § 13. Subdivision 3 of section 1285-q of the public authorities law,
6 as amended by section 43 of part BB of chapter 56 of the laws of 2015,
7 is amended to read as follows:

8 3. The maximum amount of bonds that may be issued for the purpose of
9 financing hazardous waste site remediation projects and environmental
10 restoration projects authorized by this section shall not exceed [~~two~~
11 ~~three~~ billion [~~two~~ ~~four~~ hundred ~~fifty~~ million dollars [~~and shall not~~
12 ~~exceed one hundred million dollars for appropriations enacted for any~~
13 ~~state fiscal year~~], provided that the bonds not issued for such appro-
14 priations may be issued pursuant to reappropriation in subsequent fiscal
15 years. No bonds shall be issued for the repayment of any new appropri-
16 ation enacted after March thirty-first, two thousand [~~twenty-six~~ ~~thir-~~
17 ~~ty-six~~ for hazardous waste site remediation projects authorized by this
18 section. Amounts authorized to be issued by this section shall be exclu-
19 sive of bonds issued to fund any debt service reserve funds, pay costs
20 of issuance of such bonds, and bonds or notes issued to refund or other-
21 wise repay bonds or notes previously issued. Such bonds and notes of the
22 corporation shall not be a debt of the state, and the state shall not be
23 liable thereon, nor shall they be payable out of any funds other than
24 those appropriated by this state to the corporation for debt service and
25 related expenses pursuant to any service contracts executed pursuant to
26 subdivision one of this section, and such bonds and notes shall contain
27 on the face thereof a statement to such effect.

28 § 14. In addition to any other requirements in law, the department of
29 environmental conservation shall review the remedial program require-
30 ments of section 27-1415 of the environmental conservation law. Within
31 two years of the department of health issuing a maximum contaminant
32 level for a PFAS substance, the department of environmental conservation
33 shall update groundwater and soil cleanup objectives to include paramet-
34 ers of such PFAS. No later than January first, two thousand twenty-sev-
35 en, the department of environmental conservation shall establish interim
36 generic PFAS soil and groundwater testing guidance to inform the devel-
37 opment of cleanup objectives until the department of health establishes
38 maximum contaminant, notification, or action levels for any PFAS chemi-
39 cal. Upon the establishment of any such levels by the department of
40 health, the department of environmental conservation shall develop chem-
41 ical-specific groundwater and soil clean up objectives.

42 § 15. This act shall take effect immediately.

43 PART SS

44 Section 1. Paragraph (b) of subdivision 4 of section 391-u of the
45 general business law, as added by chapter 88 of the laws of 2020, is
46 amended to read as follows:

47 (b) A manufacturer that [~~produces, sells, or distributes~~] at any time
48 manufactured, sold, offered for sale, or distributed for sale or use a
49 class B firefighting foam prohibited under subdivision three of this
50 section shall recall [~~the~~ such product[, ~~which includes~~]. Such recall
51 shall include collection, transport, treatment, storage and safe
52 disposal[, ~~after the implementation date of the restrictions set forth~~
53 ~~in subdivision three of this section and reimburse~~] of PFAS chemicals.

1 and reimbursement of the retailer or any other purchaser for [~~the~~] such
2 product.

3 § 2. Subdivision 1 of section 391-u of the general business law, as
4 added by chapter 88 of the laws of 2020, is amended by adding a new
5 paragraph (h) to read as follows:

6 (h) "Intentionally added" shall have the same meaning as "inten-
7 tionally added chemical" set forth in subdivision four of section
8 37-0121 of the environmental conservation law.

9 § 3. Subdivision 5 of section 391-u of the general business law, as
10 added by chapter 88 of the laws of 2020, is amended by adding a new
11 paragraph (c) to read as follows:

12 (c) Beginning January first, two thousand twenty-eight, a manufacturer
13 shall not manufacture, knowingly sell, offer for sale, distribute for
14 sale or distribute for use in the state any firefighting personal
15 protective equipment to which PFAS chemicals have been intentionally
16 added or that contains PFAS chemicals at or above a level established by
17 the department of environmental conservation by regulation.

18 § 4. Paragraph (a) of subdivision 5 of section 391-u of the general
19 business law, as added by chapter 88 of the laws of 2020, is amended to
20 read as follows:

21 (a) A manufacturer or other person that sells firefighting personal
22 protective equipment to any person, local government, or state agency
23 must provide written notice to the purchaser at the time of sale if the
24 firefighting personal protective equipment contains PFAS chemicals. The
25 written notice must include a statement that the firefighting personal
26 protective equipment contains PFAS chemicals [~~and the reason PFAS chemi-~~
27 ~~cals are added to the equipment~~].

28 § 5. On or before January 31, 2027, the department of environmental
29 conservation shall make a recommendation to the legislature as to wheth-
30 er the prohibition established pursuant to paragraph (c) of subdivision
31 five of section 391-u of the general business law, as added by section
32 three of this act, should take effect on a different date with respect
33 to any components of firefighting personal protective equipment if it
34 determines, upon consultation with impacted stakeholders, including but
35 not limited to the New York city fire department, local fire depart-
36 ments, volunteer firefighter organizations, and employee organizations
37 representing firefighter bargaining units, that a lack of commercial
38 availability of such components that meet the current National Fire
39 Protection Association standards for such components poses a health and
40 safety threat to firefighters.

41 § 6. This act shall take effect immediately; provided, however, that
42 section four of this act shall take effect January 1, 2028.

43 PART TT

44 Section 1. Section 1405 of the tax law is amended by adding a new
45 subdivision (c) to read as follows:

46 (c) Conveyances of real property for open space, parks, or historic
47 preservation purposes to any not-for-profit tax exempt corporation oper-
48 ated for conservation, environmental, parks or historic preservation
49 purposes shall be exempt from payment of additional taxes imposed pursu-
50 ant to section fourteen hundred two-a of this article.

51 § 2. This act shall take effect immediately.

52 PART UU

1 Intentionally Omitted

2 PART VV

3 Section 1. Expenditures of moneys by the New York state energy
4 research and development authority for services and expenses of the
5 energy research, development and demonstration program, including
6 grants, the energy policy and planning program, and the Fuel NY program
7 shall be subject to the provisions of this section. Notwithstanding the
8 provisions of subdivision 4-a of section 18-a of the public service law,
9 all moneys committed or expended in an amount not to exceed \$28,725,000
10 shall be reimbursed by assessment against gas corporations, as defined
11 in subdivision 11 of section 2 of the public service law and electric
12 corporations as defined in subdivision 13 of section 2 of the public
13 service law, where such gas corporations and electric corporations have
14 gross revenues from intrastate utility operations in excess of \$500,000
15 in the preceding calendar year, and the total amount assessed shall be
16 allocated to each electric corporation and gas corporation in proportion
17 to its intrastate electricity and gas revenues in the calendar year
18 2023. Such amounts shall be excluded from the general assessment
19 provisions of subdivision 2 of section 18-a of the public service law.
20 The chair of the public service commission shall bill such gas and/or
21 electric corporations for such amounts on or before August 10, 2025 and
22 such amounts shall be paid to the New York state energy research and
23 development authority on or before September 10, 2025. Upon receipt,
24 the New York state energy research and development authority shall
25 deposit such funds in the energy research and development operating fund
26 established pursuant to section 1859 of the public authorities law. The
27 New York state energy research and development authority is authorized
28 and directed to: (1) transfer up to \$4 million to the state general fund
29 for climate change related services and expenses of the department of
30 environmental conservation from the funds received; and (2) commencing
31 in 2016, provide to the chair of the public service commission and the
32 director of the budget and the chairs and secretaries of the legislative
33 fiscal committees, on or before August first of each year, an itemized
34 record, certified by the president and chief executive officer of the
35 authority, or such chief executive officer's designee, detailing any and
36 all expenditures and commitments ascribable to moneys received as a
37 result of this assessment by the chair of the department of public
38 service pursuant to section 18-a of the public service law. This item-
39 ized record shall include an itemized breakdown of the programs being
40 funded by this section and the amount committed to each program. The
41 authority shall not commit for any expenditure, any moneys derived from
42 the assessment provided for in this section, until the chair of such
43 authority shall have submitted, and the director of the budget shall
44 have approved, a comprehensive financial plan encompassing all moneys
45 available to and all anticipated commitments and expenditures by such
46 authority from any source for the operations of such authority. Copies
47 of the approved comprehensive financial plan shall be immediately
48 submitted by the chair to the chairs and secretaries of the legislative
49 fiscal committees. Any such amount not committed by such authority to
50 contracts or contracts to be awarded or otherwise expended by the
51 authority during the fiscal year shall be refunded by such authority on
52 a pro-rata basis to such gas and/or electric corporations, in a manner
53 to be determined by the department of public service, and any refund

1 amounts must be explicitly lined out in the itemized record described
2 above.
3 § 2. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2025.

5 PART WW

6 Intentionally Omitted

7 PART XX

8 Section 1. Expenditures of moneys appropriated to the department of
9 agriculture and markets from the special revenue funds-other/state oper-
10 ations, miscellaneous special revenue fund-339, public service account
11 shall be subject to the provisions of this section. Notwithstanding any
12 other provision of law to the contrary, direct and indirect expenses
13 relating to the department of agriculture and markets' participation in
14 general ratemaking proceedings pursuant to section 65 of the public
15 service law or certification proceedings or permits issued pursuant to
16 article 7, 8, or 10 of the public service law, shall be deemed expenses
17 of the department of public service within the meaning of section 18-a
18 of the public service law. No later than August 15, 2026, the commis-
19 sioner of the department of agriculture and markets shall submit an
20 accounting of such expenses, including, but not limited to, expenses in
21 the prior state fiscal year for personal and non-personal services and
22 fringe benefits, to the chair of the public service commission for the
23 chair's review pursuant to the provisions of section 18-a of the public
24 service law.

25 § 2. Expenditures of moneys appropriated to the department of state
26 from the special revenue funds-other/state operations, miscellaneous
27 special revenue fund-339, public service account shall be subject to the
28 provisions of this section. Notwithstanding any other provision of law
29 to the contrary, direct and indirect expenses relating to the activities
30 of the department of state's utility intervention unit pursuant to
31 subdivision 4 of section 94-a of the executive law, including, but not
32 limited to participation in general ratemaking proceedings pursuant to
33 section 65 of the public service law or certification proceedings or
34 permits issued pursuant to article 7, 8, or 10 of the public service
35 law, shall be deemed expenses of the department of public service within
36 the meaning of section 18-a of the public service law. No later than
37 August 15, 2026, the secretary of state shall submit an accounting of
38 such expenses, including, but not limited to, expenses in the prior
39 state fiscal year for personal and non-personal services and fringe
40 benefits, to the chair of the public service commission for the chair's
41 review pursuant to the provisions of section 18-a of the public service
42 law.

43 § 3. Expenditures of moneys appropriated to the office of parks,
44 recreation and historic preservation from the special revenue funds-
45 other/state operations, miscellaneous special revenue fund-339, public
46 service account shall be subject to the provisions of this section.
47 Notwithstanding any other provision of law to the contrary, direct and
48 indirect expenses relating to the office of parks, recreation and
49 historic preservation's participation in general ratemaking proceedings
50 pursuant to section 65 of the public service law or certification
51 proceedings or permits issued pursuant to article 7, 8, or 10 of the

1 public service law, shall be deemed expenses of the department of public
2 service within the meaning of section 18-a of the public service law.
3 No later than August 15, 2026, the commissioner of the office of parks,
4 recreation and historic preservation shall submit an accounting of such
5 expenses, including, but not limited to, expenses in the prior state
6 fiscal year for personal and non-personal services and fringe benefits,
7 to the chair of the public service commission for the chair's review
8 pursuant to the provisions of section 18-a of the public service law.

9 § 4. Expenditures of moneys appropriated to the department of environ-
10 mental conservation from the special revenue funds-other/state oper-
11 ations, environmental conservation special revenue fund-301, utility
12 environmental regulation account shall be subject to the provisions of
13 this section. Notwithstanding any other provision of law to the contra-
14 ry, direct and indirect expenses relating to the department of environ-
15 mental conservation's participation in state energy policy proceedings,
16 or certification proceedings or permits issued pursuant to article 7, 8,
17 or 10 of the public service law, shall be deemed expenses of the depart-
18 ment of public service within the meaning of section 18-a of the public
19 service law. No later than August 15, 2026, the commissioner of the
20 department of environmental conservation shall submit an accounting of
21 such expenses, including, but not limited to, expenses in the prior
22 state fiscal year for personal and non-personal services and fringe
23 benefits, to the chair of the public service commission for the chair's
24 review pursuant to the provisions of section 18-a of the public service
25 law.

26 § 5. Notwithstanding any other law, rule or regulation to the contra-
27 ry, expenses of the department of health public service education
28 program incurred pursuant to appropriations from the cable television
29 account of the state miscellaneous special revenue funds shall be deemed
30 expenses of the department of public service. No later than August 15,
31 2026, the commissioner of the department of health shall submit an
32 accounting of expenses in the prior state fiscal year to the chair of
33 the public service commission for the chair's review pursuant to the
34 provisions of section 217 of the public service law.

35 § 6. Any expense deemed to be expenses of the department of public
36 service pursuant to sections one through four of this act shall not be
37 recovered through assessments imposed upon telephone corporations as
38 defined in subdivision 17 of section 2 of the public service law.

39 § 7. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on and after April 1, 2025 and shall
41 expire and be deemed repealed April 1, 2026.

42 PART YY

43 Section 1. Paragraph a of subdivision 1 of section 765 of the general
44 business law, as amended by section 6 of part X of chapter 57 of the
45 laws of 2013, is amended to read as follows:

46 a. Failure to comply with any provision of this article shall subject
47 an excavator or an operator to a civil penalty of up to ~~[two thousand~~
48 ~~five hundred]~~ four thousand three hundred seventy-five dollars for the
49 first violation and up to an additional ~~[ten]~~ seventeen thousand ~~five~~
50 hundred dollars for each succeeding violation that occurs within a
51 twelve month period.

52 § 2. Paragraph c of subdivision 1 of section 765 of the general busi-
53 ness law, as amended by chapter 445 of the laws of 1995, is amended to
54 read as follows:

1 c. An action to recover a penalty under this article may be brought in
2 the supreme court in the judicial district in which the violation was
3 alleged to have occurred which shall be commenced and prosecuted by the
4 attorney general. The public service commission shall, pursuant to
5 section one hundred nineteen-b of the public service law, forward to the
6 attorney general its determination of the amount of the penalty for
7 violations or rules and regulations adopted to implement the require-
8 ments of this article. Upon receipt of such determination, the attorney
9 general may commence an action to recover such penalty. All moneys
10 recovered in any such action, together with the costs thereof, and all
11 moneys recovered as the result of any such public service commis-
12 sion determination shall be paid into the [~~state treasury to the credit~~
13 ~~of the general fund~~] environmental protection fund established pursuant
14 to section ninety-two-s of the state finance law.

15 § 3. Subdivision 3 of section 92-s of the state finance law, as
16 amended by chapter 734 of the laws of 2021, is amended to read as
17 follows:

18 3. Such fund shall consist of the amount of revenue collected within
19 the state from the amount of revenue, interest and penalties deposited
20 pursuant to section fourteen hundred twenty-one of the tax law, the
21 amount of fees and penalties received from easements or leases pursuant
22 to subdivision fourteen of section seventy-five of the public lands law
23 and the money received as annual service charges pursuant to section
24 four hundred four-n of the vehicle and traffic law, all moneys required
25 to be deposited therein from the contingency reserve fund pursuant to
26 section two hundred ninety-four of chapter fifty-seven of the laws of
27 nineteen hundred ninety-three, all moneys required to be deposited
28 pursuant to section thirteen of chapter six hundred ten of the laws of
29 nineteen hundred ninety-three, repayments of loans made pursuant to
30 section 54-0511 of the environmental conservation law, all moneys to be
31 deposited from the Northville settlement pursuant to section one hundred
32 twenty-four of chapter three hundred nine of the laws of nineteen
33 hundred ninety-six, provided however, that such moneys shall only be
34 used for the cost of the purchase of private lands in the core area of
35 the central Suffolk pine barrens pursuant to a consent order with the
36 Northville industries signed on October thirteenth, nineteen hundred
37 ninety-four and the related resource restoration and replacement plan,
38 the amount of penalties required to be deposited therein by section
39 71-2724 of the environmental conservation law, all moneys required to be
40 deposited pursuant to article thirty-three of the environmental conser-
41 vation law, all fees collected pursuant to subdivision eight of section
42 70-0117 of the environmental conservation law, all moneys collected
43 pursuant to title thirty-three of article fifteen of the environmental
44 conservation law, beginning with the fiscal year commencing on April
45 first, two thousand thirteen, nineteen million dollars, and all fiscal
46 years thereafter, twenty-three million dollars plus all funds received
47 by the state each fiscal year in excess of the greater of the amount
48 received from April first, two thousand twelve through March thirty-
49 first, two thousand thirteen or one hundred twenty-two million two
50 hundred thousand dollars, from the payments collected pursuant to subdi-
51 vision four of section 27-1012 of the environmental conservation law and
52 all funds collected pursuant to section 27-1015 of the environmental
53 conservation law, all moneys required to be deposited pursuant to
54 sections 27-2805 and 27-2807 of the environmental conservation law, all
55 moneys collected pursuant to section 71-2730 of the environmental
56 conservation law, all moneys required to be deposited pursuant to

1 section seven hundred sixty-five of the general business law, all moneys
2 required to be deposited pursuant to section 27-3205 of the environ-
3 mental conservation law, and all other moneys credited or transferred
4 thereto from any other fund or source pursuant to law. All such revenue
5 shall be initially deposited into the environmental protection fund, for
6 application as provided in subdivision five of this section.

7 § 4. Section 4 of chapter 522 of the laws of 2000, amending the state
8 finance law and the general business law relating to establishing the
9 underground facilities safety training account, as amended by section 1
10 of item YY of subpart B of part XXX of chapter 58 of the laws of 2020,
11 is amended to read as follows:

12 § 4. This act shall take effect thirty days after it shall have become
13 a law and sections one and three of this act shall expire and be deemed
14 repealed October 1, 2025.

15 § 5. This act shall take effect immediately; provided, however, that
16 the amendments to paragraph c of subdivision 1 of section 765 of the
17 general business law made by section two of this act shall take effect
18 on the same date and in the same manner as the reversion of such para-
19 graph as provided in section 4 of chapter 522 of the laws of 2000, as
20 amended.

21 PART ZZ

22 Section 1. Subdivision (a) of section 314 of the tax law, as amended
23 by chapter 100 of the laws of 2025, is amended to read as follows:

24 (a) General. Except in accordance with proper judicial order or as
25 otherwise provided by law, it shall be unlawful for any tax commission-
26 er, any officer or employee of the department of taxation and finance,
27 or any person who, pursuant to this section, is permitted to inspect any
28 return, or to whom any information contained in any return is furnished,
29 or any person engaged or retained by such department on an independent
30 contract basis, or any person who in any manner may acquire knowledge of
31 the contents of a return filed pursuant to this article, to divulge or
32 make known in any manner the amount of income or gross receipts or any
33 particulars set forth or disclosed in any return under this article. The
34 officers charged with the custody of such returns shall not be required
35 to produce any of them or evidence of anything contained in them in any
36 action or proceeding in any court, except on behalf of the state or the
37 commissioner of taxation and finance in an action or proceeding under
38 the provisions of this chapter or in any other action or proceeding
39 involving the collection of a tax due under this chapter to which the
40 state or the commissioner is a party or a claimant, or on behalf of any
41 party to any action or proceeding under the provisions of this article
42 when the returns or facts shown thereby are directly involved in such
43 action or proceeding, in any of which events the court may require the
44 production of, and may admit in evidence, so much of said returns or of
45 the facts shown thereby as are pertinent to the action or proceeding and
46 no more. The commissioner may, nevertheless, publish a copy or a summary
47 of any determination or decision rendered after the formal hearing
48 provided for in this chapter. Nothing herein shall be construed to
49 prohibit the delivery to a petroleum business or its duly authorized
50 representative of a copy of any return filed by it, nor to prohibit the
51 publication of statistics so classified as to prevent the identification
52 of particular returns and the items thereof, or the disclosure of data
53 other than taxpayer identity information from a return or returns of one
54 or more petroleum or fossil fuel businesses to the department of envi-

ronmental conservation or the New York state energy research and development authority for the purpose of implementing the New York state climate change superfund act, the climate leadership and community protection act, chapter one hundred six of the laws of two thousand nineteen, promulgation of regulations thereunder, and achievement of the statewide greenhouse gas emission limits, as defined and established in article seventy-five of the environmental conservation law, or the publication of delinquent lists showing the names of petroleum businesses who have failed to pay their taxes at the time and in the manner provided by section three hundred eight of this article together with any relevant information which in the opinion of the commissioner may assist in the collection of such delinquent taxes; or the inspection by the attorney general or other legal representatives of the state of the return of any petroleum business which shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter has been recommended by the commissioner or the attorney general or has been instituted; or the inspection of the returns of any petroleum business by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by such petroleum business under this article. Provided, further, nothing herein shall be construed to prohibit the disclosure of taxpayer identity information, including name, mailing address and taxpayer identifying number (social security account number, or such other number as has been assigned by the secretary of the United States treasury or such secretary's delegate, or by the commissioner of taxation and finance), with respect to persons who are registered as residual petroleum product or aviation fuel businesses under this article or as distributors of motor fuel or diesel motor fuel or kero-jet fuel only for the purpose of article twelve-A of this chapter or this article, whose registration as a residual petroleum product business or as such distributor has been cancelled or suspended pursuant to this article or such article twelve-A or whose application for registration as a residual petroleum product business or as such distributor has been refused pursuant to this article or such article twelve-A. In addition, the commissioner may disclose the fact that a person is not registered as a residual petroleum business under this article or as a distributor of motor fuel, diesel motor fuel or kero-jet fuel only under article twelve-A of this chapter. Information disclosed pursuant to this subdivision shall not, by itself, be construed as proof of compliance or noncompliance with the provisions of this chapter.

§ 2. This act shall take effect immediately.

PART AAA

Intentionally Omitted

PART BBB

Section 1. Legislative intent. Pursuant to 2 U.S.C. § 2131, every state is invited to provide and furnish to the United States Capitol two statues, in marble or bronze, of deceased persons who were distinguished and prominent citizens of the state for placement in the National Statuary Hall Collection. New York is currently represented in the National Statuary Hall Collection at the United States Capitol by Robert R.

Livingston and George Clinton, statues which were placed there in the 1870s.

Pursuant to 2 U.S.C. § 2132, a state has the option to replace statues in the National Statuary Hall, that have been displayed for at least 10 years, by making a request to the Joint Committee on the Library of Congress.

The Legislature recognizes that Harriet Tubman was a distinguished and prominent New Yorker who meets the high standards required to represent the great state of New York in the United States Capitol. One of America's most famous abolitionists, Harriet Tubman was born enslaved in Maryland in 1822 before escaping to freedom. She became a leading figure of the Underground Railroad and she risked her life to help free dozens of enslaved people. During the Civil War she became one of the first African American women to serve in the military. In 1859, Harriet Tubman purchased property in Auburn, NY, where she would live until her death in 1913.

§ 2. Commission. (a) A commission is hereby established to replace the statue of Robert R. Livingston with a statue of Harriet Tubman in the National Statuary Hall of the United States Capitol. The commission shall consist of the following appointees: the Governor, or a designee, the Temporary President of the Senate, or a designee, the Speaker of the Assembly, or a designee, the Executive director of the council on the arts, or a designee, and the Commissioner of the office of general services, or a designee.

(b) The commission shall be responsible for selecting the design of the statue of Harriet Tubman. The statue shall be designed and created in accordance with the published guidelines set forth by the Architect of the United States Capitol.

(c) The Governor, along with the commission, shall submit an official, written request, along with a copy of this act to the Joint Committee on the Library of Congress, the Architect of the Capitol, the Speaker of the United States House of Representatives, and the Presiding Officer of the United States Senate. The request shall include a description of the location in the state where the replaced statue of Robert R. Livingston will be displayed after it is transferred.

(d) Upon approval for replacement of the statue of Robert R. Livingston by the Architect of the Capitol with a statue of Harriet Tubman, the Governor shall formalize an agreement between the Architect of the Capitol and the State of New York to complete the process.

§ 3. This act shall take effect September 1, 2025.

PART CCC

Section 1. Paragraph a of subdivision 2 and paragraph a of subdivision 3 of section 54-1521 of the environmental conservation law, as amended by section 1 of part CCC of chapter 55 of the laws of 2021, are amended to read as follows:

a. Until April 1, ~~2025~~ 2029, the commissioner, in consultation with the New York state energy research and development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of any eligible infrastructure projects which support the development of clean vehicles.

a. Until April 1, ~~2025~~ 2029, the commissioner, in consultation with the New York state energy research and development authority, is authorized to issue rebates until the annual allocation is exhausted to municipalities toward the cost of eligible purchases of clean vehicles.

1 § 2. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on April 1, 2025.

3 PART DDD

4 Section 1. Subdivision 2 of section 7 of the cannabis law is amended
5 to read as follows:

6 2. Appointments. In addition to the chairperson, the governor shall
7 have two direct appointments to the board, and the temporary president
8 of the senate and the speaker of the assembly shall each have one direct
9 appointment to the board. Appointments shall be for a term of three
10 years each and should, to the extent possible, be geographically and
11 demographically representative of the state and communities historically
12 affected by the war on drugs. Board members shall be citizens and perma-
13 nent residents of this state. The chairperson and the remaining members
14 of such board shall continue to serve as chairperson and members of the
15 board until the expiration of the respective terms for which they were
16 appointed. Upon the expiration of such respective terms the successors
17 of such chairperson and members shall be appointed to serve for a term
18 of three years each and until their successors have been appointed and
19 qualified. The members~~[, except for the chairperson,]~~ shall, when
20 performing the work of the board, be compensated at a rate of two
21 hundred sixty dollars per day, ~~[and]~~ together with an allowance for
22 actual and necessary expenses incurred in the discharge of their duties.
23 ~~[The chairperson shall receive an annual salary not to exceed an amount~~
24 ~~appropriated therefor by the legislature, and their expenses actually~~
25 ~~and necessarily incurred in the performance of their official duties,~~
26 ~~unless otherwise provided by the legislature.]~~ No member or member's
27 spouse or minor child shall have any interest in an entity regulated by
28 the board.

29 § 2. Subparagraphs (ii), (iii) and (iv) of paragraph (B) of subdivi-
30 sion 5 of section 7 of the cannabis law are amended to read as follows:

31 (ii) The governor shall provide immediate written notice to the tempo-
32 rary president of the senate and the speaker of the assembly of the
33 designation of a board member as acting chairperson; and

34 (iii) If (a) the governor has not nominated a successor chairperson
35 upon the expiration of the six month term or (b) the senate does not
36 confirm the governor's successor nomination within the additional ninety
37 days, the board member designated as acting chairperson shall no longer
38 be able to serve as acting chairperson and the governor is prohibited
39 from extending the powers of that acting chairperson or from designating
40 another board member to serve as acting chairperson~~;~~ and

41 ~~(iv) A board member serving as the acting chairperson of the cannabis~~
42 ~~control board shall be deemed a state officer for purposes of section~~
43 ~~seventy-three of the public officers law].~~

44 § 3. Subdivision 22 of section 10 of the cannabis law is amended to
45 read as follows:

46 22. To enter into tribal-state compacts and other agreements with the
47 New York state Indian nations and tribes, as defined by section two of
48 the Indian law, authorizing such Indian nations or tribes to acquire,
49 possess, manufacture, sell, deliver, transport, distribute or dispense
50 adult-use cannabis and/or medical cannabis.

51 § 4. This act shall take effect immediately; provided however that
52 section one of this act shall take effect June 1, 2025.

53 PART EEE

1 Section 1. (a) As set forth in section two of the cannabis law, it is
2 the declared policy of the state to make substantial investments in
3 communities and people most impacted by cannabis criminalization to
4 address the collateral consequences of such criminalization.

5 (b) As set forth in section fifteen of the cannabis law, fees charged
6 for registrations, licensure, permits and renewals may vary depending
7 upon the nature and scope of the different registration, licensure and
8 permit activities.

9 (c) Pursuant to section sixty-eight-a of the cannabis law, a regis-
10 tered organization is the only licensee allowed to engage in the culti-
11 vation, processing, distribution and retail of both medical cannabis and
12 adult use cannabis.

13 (d) Given such privileges, a special license fee should be imposed
14 upon registered organizations obtaining a license under section sixty-
15 eight-a of the cannabis law.

16 (e) To support the aforesaid policy, the special license fees
17 collected pursuant to section two of this act should be applied toward
18 social and economic equity and incubator assistance pursuant to the
19 cannabis law and paragraph (c) of subdivision three of section ninety-
20 nine-ii of the state finance law.

21 § 2. Subdivision 1-a of section 63 of the cannabis law is amended to
22 read as follows:

23 1-a. ~~[The board shall also have the authority to assess a registered~~
24 ~~organization with]~~ (a) In addition to any other fee authorized by this
25 chapter, there shall be a [one-time] special licensing fee for a regis-
26 tered organization adult-use cultivator processor, distributor retail
27 dispensary license issued pursuant to section sixty-eight-a of this
28 article. Such fee shall be ~~[assessed at an amount]~~ used to [adequately]
29 fund social and economic equity and incubator assistance pursuant to
30 this article and paragraph (c) of subdivision three of section ninety-
31 nine-ii of the state finance law.

32 (b) For purposes of this subdivision, "co-located adult-use retail
33 dispensary" shall mean an adult-use retail dispensary operated by a
34 registered organization at one of such registered organization's medical
35 dispensary premises pursuant to section sixty-eight-a of this article.

36 (c) Such special fee shall be paid as follows:

37 (i) three million dollars at the time the registered organization
38 adult-use cultivator processor distributor retail dispensary license is
39 issued;

40 (ii) four million dollars within one hundred eighty days of the open-
41 ing of the licensee's second co-located adult-use retail dispensary;

42 (iii) four million dollars within thirty days of the first one hundred
43 million dollars in revenue generated by the registered organization
44 adult-use cultivator processor distributor retail dispensary; and

45 (iv) four million dollars within thirty days of the second one hundred
46 million dollars in revenue generated by the registered organization
47 adult-use cultivator processor distributor retail dispensary.

48 (d) Provided, however, that the board shall not allow registered
49 organizations to dispense adult-use cannabis from more than three of
50 their medical cannabis dispensing locations. The timing and manner in
51 which registered organizations may be granted such authority shall be
52 determined by the board in regulation.

53 (e) Failure to make any payment required by paragraph (c) of this
54 subdivision will result in the suspension of the registered organiza-
55 tion's authority to operate co-located adult-use dispensaries until such
56 payment is acknowledged by the office.

(f) Failure to make any payment required by paragraph (c) of this subdivision will result, in the event of the expiration of the license, in a denial of the renewal of the license.

(g) In the event that a registered organization adult-use cultivator processor distributor retail dispensary license expires, or is cancelled, revoked or otherwise terminated, the registered organization shall not be required to make any payments required by this subdivision that become due after the date of such expiration, cancellation, revocation or other termination of the license.

(h) A registered organization adult-use cultivator processor distributor retail dispensary license approved or issued pursuant to the provisions of section sixty-eight-a of this article prior to the effective date of the chapter of the laws of two thousand twenty-five that added this paragraph shall be subject to the amendments made by such chapter.

(i) The office shall determine the special license fees due, if any, for any co-located adult-use dispensaries operating on the effective date of the chapter of the laws of two thousand twenty-five that added this paragraph, provided that:

(i) any payment made prior to such effective date by a registered organization shall be credited as a payment toward any fee due or that shall become due under this subdivision, as amended by the chapter of the laws of two thousand twenty-five; and

(ii) if there is a balance due for a co-located adult-use dispensary upon such effective date, after applying the credit provided for in this paragraph, the office shall determine the timing and manner by which such balance shall be paid by the registered organization.

§ 3. Paragraph (c) of subdivision 3 of section 99-ii of the state finance law, as added by chapter 92 of the laws of 2021, is amended to read as follows:

(c) Actual and necessary costs incurred by the office of cannabis management and the cannabis control board, and the urban development corporation, related to the administration of incubators and other assistance to qualified social and economic equity applicants including the administration, capitalization, and provision of low and zero interest loans to such applicants pursuant to section sixteen-ee of the urban development corporation act. Such costs shall be paid out of revenues received, including, but not limited to, from special ~~[one-time]~~ license fees paid by registered organizations pursuant to section sixty-three of the cannabis law.

§ 4. This act shall take effect immediately; provided, however, that paragraph (i) of subdivision one-a of section sixty-three of the cannabis law, as added by section two of this act, shall expire and be deemed repealed two hundred seventy days after such effective date.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through EEE of this act shall be as specifically set forth in the last section of such Parts.